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Federal Register
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Friday, January 25, 2008

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2005–22489; Airspace Docket No. 05–AEA–017

Amendment to Class E Airspace; Du Bois, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This action confirms the effective date of a direct final rule that amends a Class E airspace area to support Area Navigation (RNAV) Global Positioning System (GPS) Special Instrument Approach Procedures (IAPs) that serve the Du Bois Regional Medical Center, Du Bois, PA.

DATES: Effective 0901 UTC, December 20, 2007. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Daryl Daniels, Airspace Specialist, System Support, AJO2–E2B.12, FAA Eastern Service Center, 1701 Columbia Ave., College Park, GA 30337; telephone (404) 305–5881; fax (404) 305–5572.

SUPPLEMENTARY INFORMATION:

Confirmation of Effective Date

The FAA published this direct final rule with a request for comments in the **Federal Register** on October 30, 2007 (72 FR 61298–61300). The FAA uses the direct final rulemaking procedure for a non controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on December 20, 2007. No adverse comments were received, and thus this notice confirms that effective date.

Issued in College Park, GA on December 17, 2007.

Mark D. Ward,

Manager, System Support Group, Eastern Service Center.

[FR Doc. 08–206 Filed 1–24–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2005–22493; Airspace Docket No. 05–AEA–021]

Amendment of Class E Airspace; Philipsburg, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; confirmation of effective date.

SUMMARY: This action confirms the effective date of a direct final rule that amends a Class E airspace area to support Area Navigation (RNAV) Global Positioning System (GPS) Special Instrument Approach Procedures (IAPs) that serve the Philipsburg Area Hospital, Philipsburg, PA.

DATES: Effective 0901 UTC, December 20, 2007. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Daryl Daniels, Airspace Specialist, System Support, AJO2–E2B.12, FAA Eastern Service Center, 1701 Columbia Ave., College Park, GA 30337; telephone (404) 305–5581; fax (404) 305–5572.

SUPPLEMENTARY INFORMATION:

Confirmation of Effective Date

The FAA published this direct final rule with a request for comments in the **Federal Register** on November 2, 2007 (72 FR 62110–62111). The FAA uses the direct final rulemaking procedure for a non controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on December 20, 2007. No adverse comments were received, and thus this notice confirms that effective date.

Issued in College Park, GA on December 17, 2007.

Mark D. Ward,

Manager, System Support Group, Eastern Service Center.

[FR Doc. 08–208 Filed 1–24–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2007–29264; Airspace Docket No. 07–AEA–04]

Establishment of Class E Airspace; Tappahannock, VA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This action confirms the effective date of a direct final rule that establishes a Class E airspace area to support Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAPs) that serve Tappahannock-Essex County Airport, Tappahannock, VA.

DATES: Effective 0901 UTC, December 20, 2007. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Daryl Daniels, Airspace Specialist, System Support, AJO2–E2B.12, FAA Eastern Service Center, 1701 Columbia Ave., College Park, GA 30337; telephone (404) 305–5581; fax (404) 305–5572.

SUPPLEMENTARY INFORMATION:

Confirmation of Effective Date

The FAA published this direct final rule with a request for comments in the **Federal Register** on October 30, 2007 (72 61294–61296). The FAA uses the direct final rulemaking procedure for a non controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on December 20, 2007. No adverse comments were received, and thus this notice confirms the effective date.

Issued in College Park, GA on December 17, 2007.

Mark D. Ward,

Manager, System Support Group, Eastern Service Center.

[FR Doc. 08–207 Filed 1–24–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA 2007–0023, Airspace Docket No. 07–AEA–08]

Establishment of Class E Airspace; Muncy, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; correction, confirmation of effective date.

SUMMARY: The Federal Aviation Administration published in the **Federal Register** of October 30, 2007, (72 FR 61291–61293), a document establishing Class E airspace, at Muncy, PA. This action corrects the description of the airspace and confirms the effective date of the direct final rule that establishes Class E airspace supporting an Instrument Approach Procedure serving the Muncy Valley Hospital.

DATES: Effective 0901 UTC, December 20, 2007. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Daryl Daniels, Airspace Specialist, System Support, AJO2–E2B.12, FAA Eastern Service Center, 1701 Columbia Ave., College Park, GA 30337; telephone (404) 305–5581; fax (404) 305–5572.

SUPPLEMENTARY INFORMATION:

Confirmation of Effective Date

The FAA published this direct final rule with a request for comments in the **Federal Register** on October 30 (72 FR 61291–61293). The FAA uses the direct final rulemaking procedure for a non controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of interest to submit such an adverse comment, were received within the comment period, the regulation would become effective on December 20, 2007. No adverse comments were received, thus this notice confirms that effective date.

Correction to Final Rule

Additionally, a technical correction to the wording of the original airspace description is accomplished for clarification of the 700 foot Class E airspace. although the description and amendment was incorporated under 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9R, the reference to paragraph 6005, which addresses Class E airspace ''extending upwards from 700 or more above the surface of the Earth'', was inadvertently omitted. Therefore, the publication in the **Federal Register** Docket No. FAA 2007–0023, Airspace Docket No. 07–AEA–08, published October 10, 2007, (72 FR 61291–61293) paragraph 6005 is corrected to read as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth.

* * * * *

AEA PA E5 Muncy, PA [NEW]

Muncy Valley Hospital, PA
Point In Space Coordinates
(Lat. 41°13′05″ N., long. 76°45′46″ W.)

That airspace extending upward from 700 feet above the surface of the Earth within a 6-mile radius of the point in space (lat. 41°13′05″ N., long. 76°45′46″ W.) serving the Muncy Valley Hospital.

* * * * *

Issued in College Park, GA on December 17, 2007.

Mark D. Ward,

Manager, System Support Group, Eastern Service Center.

[FR Doc. 08–217 Filed 1–24–08; 8:45 am]

BILLING CODE 4910–13–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34–57172; IC–28124; File No. S7–16–07]

RIN 3235–AJ92

Electronic Shareholder Forums

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: We are adopting amendments to the proxy rules under the Securities Exchange Act of 1934 to facilitate electronic shareholder forums. The amendments clarify that participation in an electronic shareholder forum that could potentially constitute a solicitation subject to the proxy rules is exempt from most of the proxy rules if all of the conditions to the exemption are satisfied. In addition, the amendments state that a shareholder, company, or third party acting on behalf of a shareholder or company that establishes, maintains or operates an electronic shareholder forum will not be liable under the federal securities laws for any statement or information provided by another person participating in the forum. Therefore, the amendments remove legal ambiguity that might deter shareholders and companies from energetically pursuing this mode of communication.

DATES: Effective Date: February 25, 2008.

FOR FURTHER INFORMATION CONTACT: Lillian Brown, Tamara Brightwell, or John Fieldsend at (202) 551–3700, in the Division of Corporation Finance, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–3010.

SUPPLEMENTARY INFORMATION: We are amending Rule 14a–2,[1] and adopting new Rule 14a–17,[2] under the Securities Exchange Act of 1934.[3]

I. Background

On July 27, 2007, the Commission published for comment a release proposing, among other things, amendments to the proxy rules relating to electronic shareholder forums.[4] We

[1] 17 CFR 240.14a–2.

[2] 17 CFR 240.14a–17.

[3] 15 U.S.C. 78a et al.

[4] Release No. 34–56160 (July 27, 2007) [72 FR 43466] (''Proposing Release''). The instant release addresses only the electronic shareholder forum aspects of the Proposing Release. Comments received that addressed the comprehensive package of amendments to the proxy rules and related disclosure requirements are outside the scope of this adopting release.

are adopting new Rule 14a–17[5] and adding an exemption to Rule 14a–2 substantially as proposed in that release.

The purposes of new Rule 14a–17 and the Rule 14a–2 exemption are to facilitate experimentation, innovation, and greater use of the Internet to further shareholder communications. By facilitating such communications on the Internet among shareholders, and between shareholders and their companies, we hope to tap the potential of technology to better vindicate shareholders' state law rights, including their right to elect directors, in ways that are potentially both more effective and less expensive for shareholders and companies.

In a series of proxy roundtables that we sponsored in May 2007, several participants observed that recent technological developments hold promise in this regard.[6] Those participants noted that these technological developments could provide a more effective and efficient means of communication than any that are currently available to shareholders.[7]

For example, the participants suggested that an online forum that would be for the exclusive use of shareholders of the company could protect the shareholders' privacy through encrypted unique identifiers,[8] while still permitting participants to know what voting percentage of the company was represented in discussions.[9] Participants in such a forum could, in addition, discuss a variety of important subjects that today are considered, if at all, only periodically and indirectly through the proxy process.[10] With the use of electronic shareholder forums, shareholder participation and communication could be extended throughout the year, rather than only during the period leading up to companies' annual shareholder meetings. Shareholders might also use such a forum as a polling mechanism to elicit the sentiments of the company's managers or other shareholders on various potential actions.[11]

Technology now makes it feasible to establish such electronic shareholder forums to perform these functions. As one commenter indicated, technology is available to establish ''secure, shareowner-to-shareowner communications, with access restricted to eligible shareowners, and using the Internet as a medium for efficient, ongoing interaction between shareowners and issuers.''[12] These forums can be created so that operators and participants may exchange information electronically. Additionally, electronic shareholder forums can be designed to identify a participant's share ownership, as of a particular date, without disclosing that participant's name, address, or other identifying information.[13] Therefore, we think that participants' privacy can be protected while simultaneously providing for accountability for anyone making false or misleading statements.

If companies choose to participate in, or sponsor, electronic forums, they might find them of use in better gauging shareholder interest with respect to a variety of topics. A company-sponsored forum also could be used to provide a means for management to communicate with shareholders by posting press releases, notifying shareholders of record dates, and expressing the views of the company's management and board of directors.[14]

Despite these potential benefits of electronic shareholder forums, shareholders and companies alike have been reluctant to establish, maintain, or operate them due, in part, to uncertainty over liability for statements and information provided by those participating in the forum. In addition, potential forum participants have expressed concern regarding whether views and statements expressed through the forum would be considered proxy solicitations. Therefore, we proposed a new exemption from the proxy rules (other than from the shareholder list provisions in Rule 14a–7 and the antifraud provisions in Rule 14a–9) for any solicitation in an electronic shareholder forum that satisfies the conditions of the exemption. We also proposed new Rule 14a–17 to provide liability protection for a shareholder, company, or third party acting on behalf of a shareholder or company that establishes, maintains or operates an electronic shareholder forum regarding statements or information provided by another party participating in the forum.

As we discuss further in Section III, we are adopting new Rule 14a–17 and the amendments to Rule 14a–2 substantially as proposed. We are taking these steps to remove both real and perceived impediments to continued private sector experimentation with, and use of the Internet for, communication among shareholders, and between shareholders and the companies in which they invest. We intend for the amendments to facilitate communication and thereby encourage the creation of, and participation in, electronic shareholder forums.

II. Comments on the Proposed Amendments To Facilitate Electronic Shareholder Forums

The majority of the public comment on the proposed amendments to facilitate electronic shareholder forums was favorable.[15] A substantial percentage of commenters remarking on the amendments, however, opposed substituting electronic shareholder forums for the current means of presenting non-binding shareholder proposals in the company's proxy statement pursuant to Rule 14a–8.[16] Although we solicited comment on this question, we did not propose any revisions to Rule 14a–8 that would cause the electronic shareholder forum to be a substitute for the Rule 14a–8 process. In the rule amendments that we are adopting today, we are making the electronic shareholder forum option an additional, rather than substitute, means

[5] New Rule 14a–17 was proposed as Rule 14a–18.

[6] *See* Rich Daly, Broadridge Financial Solutions, Inc.; Amy Goodman, Gibson, Dunn & Crutcher LLP; Stanley Keller, Edwards Angell Palmer & Dodge LLP; Cary Klafter, Intel Corporation; and Paul Neuhauser, The University of Iowa College of Law, Transcript of Roundtable on the Federal Proxy Rules and State Corporation Law, May 7, 2007, at 152 to 171. *See also,* Russell Read, CalPERS; Amy Goodman, Gibson, Dunn & Crutcher LLP; Nell Minow, The Corporate Library; Bill Mostyn, Bank of America Corporation; and Gary Brouse, Interfaith Center on Corporate Responsibility, Transcript of Roundtable on Proxy Voting Mechanics, May 24, 2007, at 54 to 81.

[7] *Id.*

[8] *See, e.g.*, Stanley Keller, Edwards Angell Palmer & Dodge LLP, Transcript of Roundtable on the Federal Proxy Rules and State Corporation Law, May 7, 2007, at 152; Rich Daly, Broadridge Financial Solutions, Inc., Transcript of Roundtable on the Federal Proxy Rules and State Corporation Law, May 7, 2007, at 157; and Nell Minow, The Corporate Library, Transcript of Roundtable on Proxy Voting Mechanics, May 24, 2007, at 67.

[9] *See, e.g.*, Rich Daly, Broadridge Financial Solutions, Inc., Transcript of Roundtable on the Federal Proxy Rules and State Corporation Law, May 7, 2007, at 157.

[10] *See, e.g.*, Rich Daly, Broadridge Financial Solutions, Inc., Transcript of Roundtable on the Federal Proxy Rules and State Corporation Law, May 7, 2007, at 156 and Stanley Keller, Edwards Angell Palmer & Dodge LLP, Transcript of Roundtable on the Federal Proxy Rules and State Corporation Law, May 7, 2007, at 160.

[11] *See, e.g.*, Stanley Keller, Edwards Angell Palmer & Dodge LLP and Rich Daly, Transcript of Roundtable on the Federal Proxy Rules and State Corporation Law, May 7, 2007, at 170 to 171 and Nell Minow, The Corporate Library, Transcript of Roundtable on Proxy Voting Mechanics, May 24, 2007, at 54 to 56.

[12] Comment letter from Broadridge Financial Solutions, Inc.

[13] *Id.*

[14] Of course, anyone posting information on an electronic shareholder forum should consider the requirements of Regulation FD. *See* 17 CFR 243.100 to 243.103.

[15] *See, e.g.*, comment letters from The Allstate Corporation (''Allstate''); Business Roundtable (''BRT''); Capital Research and Management Company (''Capital Research''); GreenMachines.net (''GreenMachines''); and Investment Company Institute (''ICI'').

[16] 17 CFR 240.14a–8.

of communication that could enhance and expand opportunities for participation and interaction.

In our proposing release, we requested comment on five basic issues related to electronic shareholder forums. The first issue was whether the proposed amendments would have their intended effect of providing sufficient flexibility under the federal securities laws to establish forums that permit interaction among shareholders and between shareholders and the company. In this regard, we solicited comment on whether shareholders and companies desire such flexibility, and if they do, whether the amended rules would provide it. We also solicited comment on whether any additional measures are necessary to ensure that the federal securities laws do not hinder development of these forums. Finally, we asked whether the rules should provide more direction and guidance relating to the structure and purpose of the forums than we proposed.

The second issue on which we solicited comment concerned the potential liability under the federal securities laws associated with electronic shareholder forums. A primary purpose of the proposed amendments was to clarify that establishing, maintaining, or operating an electronic shareholder forum does not make one liable for statements or information provided by another person. We also asked commenters to identify any additional liability issues under the federal securities laws that we may not have addressed through the proposed amendments.

The third issue concerned the period of time during which electronic shareholder forums should be allowed to operate without being subject to most of the federal proxy rules. Under the proposed amendments, any solicitation in an electronic shareholder forum by or on behalf of a person that does not seek, directly or indirectly, the power to act as a proxy for a shareholder would be exempt from most of the proxy rules.

We proposed that such a person could avail himself or herself of the exemption provided that the solicitation was made more than 60 days before the date announced by the company for its next annual or special meeting, or not more than two days following the announcement of such a meeting if the announcement occurred fewer than 60 days before the meeting date. We solicited comment on whether an electronic shareholder forum could function effectively with this timing limitation. We also asked whether better alternatives exist to encourage free and open communication. Additionally, we solicited comment on whether we should require electronic shareholder forums to be closed down within 60 days of a scheduled shareholder meeting, whether shareholders whose communications remain posted inside the 60-day period should be required to file them with us, and how to best monitor these forums.

Fourth, we solicited comment regarding the use of electronic shareholder forums as a substitute for advancing referenda that otherwise would be presented in the form of non-binding shareholder proposals for inclusion in a company's proxy materials.

Finally, we solicited comment on the ways that an electronic shareholder forum might be used in connection with bylaw proposals regarding procedures for nominating candidates to the board of directors. In particular, we solicited comment on whether shareholders should be able to use an electronic shareholder forum to solicit other shareholders to join with them in submitting a bylaw proposal.

The vast majority of commenters supported the new exemption for electronic shareholder forums that we proposed to add to Rule 14a–2 and proposed new Rule 14a–17.[17] The commenters generally favored the continued development of electronic shareholder forums as a means of facilitating communication among shareholders and between shareholders and companies.[18]

Despite the generally favorable reaction, some commenters predicted that electronic shareholder forums might develop into the same types of shareholder chat rooms that exist today.[19] Other commenters suggested that the issues related to electronic shareholder forums require more time to be fully analyzed and should be addressed only upon completion of a comprehensive study reviewing the shareholder communications process.[20] Finally, some commenters asserted that we did not adequately address whether the proposed 60-day, non-solicitation period prior to a proxy vote would provide sufficient protection against a coordinated proxy campaign waged on an electronic shareholder forum.[21]

Most of the commenters expressing concerns regarding non-binding shareholder proposals stated that they would oppose making the electronic shareholder forum a substitute for the current process under Rule 14a–8. Several of these commenters made it clear that they support electronic shareholder forums, provided that they are only a supplement to the current Rule 14a–8 process.[22]

Additionally, some commenters mentioned that keeping the identity of participants who post messages on these electronic forums private would threaten meaningful communications among shareholders and with the company.[23] These commenters asserted that participants' identities should be disclosed and that the participants' ownership interests in the company should be made known as well.

III. Final Rules To Facilitate Electronic Shareholder Forums

As stated above, the amendments that we are adopting in this release provide an additional means for shareholders to communicate, and do not in any manner restrict a shareholder's ability under Rule 14a–8 to submit a non-binding proposal to a company for inclusion in the company's proxy materials. Furthermore, the amendments neither mandate nor preclude private communications in electronic shareholder forums; instead, they allow for flexibility in different approaches and to allow innovation and experimentation.[24]

The amendments are designed to facilitate greater online interaction among shareholders by removing two major obstacles to the use of electronic shareholder forums.[25] The first major obstacle to the use of electronic shareholder forums is the concern that a statement made by a participant in an

[17] *See, e.g.*, comment letters from Allstate; BRT; Capital Research; GreenMachines; and ICI.

[18] *See, e.g.*, comment letters from Calvert Group, Ltd. (''Calvert''); Senator Carl Levin (''Senator Levin''); and Stephen R. Van Withrop (''Van Winthrop'').

[19] *See, e.g.*, comment letters from Bricklayers and Trowel Trades International Pension Fund (''Bricklayers''); Green Century Capital Management (''Green Century''); Social Investment Forum (''SIF''), and Walden Asset Management (''Walden'').

[20] *See* comment letters from American Bar Association (''ABA'') and Society of Corporate Secretaries and Governance Professionals (''SCSGP'').

[21] *See* comment letters from ABA and SunTrust Banks, Inc. (''SunTrust'').

[22] *See, e.g.*, comment letters from Christus Health (''Christus''); Domini Social Investments (''Domini''); and Trillium Asset Management (''Trillium'').

[23] *See* comment letters from ABA and Christian Brothers Investment Services, Inc. (''Christian Brothers'').

[24] Because the antifraud provisions of Rule 14a–9 would apply to any postings, it could conceivably be necessary for a participant to identify itself in an otherwise anonymous forum if failure to do so in the circumstances would result in the omission of a ''material fact necessary in order to make the statements therein not false or misleading.'' 17 CFR 240.14a–9.

[25] 17 CFR 240.14a–2(b)(6) and 17 CFR 240.14a–17.

electronic shareholder forum will be construed as a solicitation under the proxy rules. Section 14(a) of the Exchange Act[26] requires that the solicitation of proxy voting authority be conducted in a fair, honest, and informed manner.[27] Any solicitation of proxies in connection with securities registered pursuant to Section 12 of the Exchange Act[28] is subject to the filing and disclosure requirements of the Commission's proxy rules.[29] In this regard, the Commission has broad authority to control the conditions under which proxies may be solicited so that it promotes ''fair corporate suffrage.'' [30] A necessary element of this authority is to prevent solicitors from obtaining authorization for corporate action by means of ''deceptive or inadequate disclosure in proxy solicitations.'' [31]

As defined by the Commission, the term ''solicitation'' encompasses not only a request that a shareholder execute a proxy, but also the ''furnishing of a form of proxy or other communication to security holders under circumstances reasonably calculated to result in the procurement, withholding or revocation of a proxy.'' [32] As such, the proxy rules apply to any person seeking to influence the voting of proxies, regardless of whether the person is seeking authorization to act as a proxy. Both the courts and the Commission have construed this necessarily fact-intensive test broadly to bring within the ambit of the proxy rules any communication that, under the totality of relevant circumstances, is considered ''part of a continuous plan ending in a solicitation and which prepare(s) the way for its success.'' [33]

Therefore, we are adding a new exemption to Rule 14a–2 to state explicitly that Rules 14a–3 through 14a–6 (other than Rule 14a–6(g)), Rule 14a–8, and Rules 14a–10 through 14a–15 do not apply to any solicitation in an electronic shareholder forum if all of the conditions to the exemption are satisfied.[34] Rule 14a–2(b)(6) exempts from most of the proxy rules any solicitation by or on behalf of any person who does not seek directly or indirectly, either on its own or another's behalf, the power to act as proxy for a shareholder and does not furnish or otherwise request, or act on behalf of a person who furnishes or requests, a form of revocation, abstention, consent, or authorization in an electronic shareholder forum that is established, maintained or operated by a company, shareholder, or a third party acting on a company's or shareholder's behalf.[35]

A solicitation on an electronic shareholder forum will be exempt so long as it occurs more than 60 days prior to the date announced by the company for its annual or special meeting of shareholders. If the company announces the meeting less than 60 days before the meeting date, the solicitation may not occur more than two days following the company's announcement.[36] We are adopting the limitations to the exemption because, although an electronic shareholder forum should provide a medium for, among other things, open discussion, debate, and the conduct of referenda, the actual solicitation of proxy authority for an upcoming meeting should be conducted in full compliance with the proxy rules. Any proxies obtained prior to the application of our proxy rules will not benefit from the full and fair disclosure required under the regulations.

A person who participates in an electronic shareholder forum and makes solicitations in reliance on the Rule 14a–2(b)(6) exemption will be eligible to solicit proxies after the date that the exemption is no longer available, or is no longer being relied upon, provided that any such solicitation complies with Regulation 14A. In fact, it is for this reason that Rule 14a–2(b)(6) is necessary. Existing Rule 14a–2(b)(1)[37] provides that most of the proxy rules do not apply to ''[a]ny solicitation by or on behalf of any person who does not, at any time during such solicitation, seek directly or indirectly, either on its own or another's behalf, the power to act as proxy for a security holder and does not furnish or otherwise request, or act on behalf of a person who furnishes or requests, a form of revocation, abstention, consent or authorization.''

Therefore, statements on an electronic shareholder forum could be exempt under Rule 14a–2(b)(1), even if these amendments were not adopted. Once an exempt solicitation is made under Rule 14a–2(b)(1), however, the individual making the solicitation cannot later request proxy authority. Consequently, Rule 14a–2(b)(6) states that a person who participates in an electronic shareholder forum and makes a solicitation in reliance on this rule can later solicit proxies without threatening the exemption's validity.

We believe that exempting participation in an electronic shareholder forum only up until 60 days before an annual or special meeting will limit the potential for abuse, and therefore we are adopting the 60-day limitation.[38] Communications within an electronic shareholder forum that occur less than 60 days prior to the annual or special meeting, or more than two days after the announcement of the meeting if the announcement is made less than 60 days prior to the meeting date, will continue to be treated as they were under the proxy rules prior to these amendments. We recognize the concern that, as one commenter noted, 60 days may not be ''sufficient practical protection against the ability of a coordinated campaign to so color shareholder perceptions as to make the vote a likely, if not foregone, conclusion.'' [39]

We believe that the 60 day cut-off period will provide sufficient time for shareholders to consider the information disclosed to them about a planned shareholder meeting. We also believe that removing obstacles to shareholder participation in electronic forums outweighs the potential for such communications to impact a shareholder's vote. Of course, persons relying on Rule 14a–2(b)(6) who later solicit proxy authority will need to comply with other Commission rules as applicable.

Additionally, although commenters did not request specifically that we provide guidance on the potential proxy rule implications of stored communications available on a forum

[26] 15 U.S.C. 78n(a).

[27] Release No. 34–31326 (October 16, 1992) [57 FR 48276 and 48277].

[28] 15 U.S.C. 78l.

[29] *See* 15 U.S.C. 78n(a) and 17 CFR 240.14a–1 and 240.14a–2(b)(1).

[30] 17 H.R. Rep. No. 1383, 73d Cong., 2d Sess. 13 (1934) at 14. The House Report indicated that the Commission was provided with this broad power ''with a view to preventing the recurrence of abuses which...[had] frustrated the free exercise of the voting rights of stockholders.'' *Id.*

[31] *J.I. Case v. Borak,* 377 U.S. 426, 431 (1964).

[32] 17 CFR 240.14a–1(l). Pursuant to Rule 14a–1(1)(2), the term ''solicitation'' does not include the furnishing of a form of proxy to a shareholder upon the latter's unsolicited request, the issuer's performance of acts mandated by 17 CFR 240.14a–7, the shareholder list requirement, or ministerial acts performed by any person on behalf of the soliciting party.

[33] Release No. 34–29315 (June 17, 1991) [56 FR 28987 and 28989]. *See, e.g., Long Island Lighting Company* v. *Barbash, et al.,* 779 F. 2d 793 (2d Cir. 1985).

[34] *Id.*

[35] *See* Exchange Act Rule 14a–2(b)(6).

[36] The proposal would not affect the application of any other exemptions under Regulation 14A. For example, a person could rely on the other applicable exemptions in Exchange Act Rule 14a–2 (17 CFR 240.14a–2).

[37] 17 CFR 240.14a–2(b)(1).

[38] Sixty days corresponds with the maximum amount of time prior to a scheduled meeting that the company may fix the record date for determining the stockholders entitled to notice of, or to vote at, a meeting under the Delaware Code. *See* Del. Code title 8, § 213 (2007).

[39] *See* comment letter from ABA.

after the 60-day period, one commenter referenced this subject.[40] In this regard, shareholders who post communications on forums in reliance on Rule 14a–2(b)(6) and later solicit the power to act as a proxy for a shareholder will need to determine whether the earlier postings must be filed as soliciting materials. For instance, it is possible that earlier postings remaining available to shareholders could be ''reasonably calculated to result in the procurement, withholding or revocation of a proxy.''[41] Therefore, any communications made, or that remain available, on the forum after the 60-day period must comply with the proxy rules if they constitute a solicitation, unless they fall within an existing exemption. One way that a forum might deal with this question is to give participants the opportunity to delete their postings as of the 60-day cut-off, or have the forum ''go dark'' during this period.[42]

The second major obstacle to the use of electronic shareholder forums is the concern that one who establishes, maintains, or operates the forum will be liable under the federal securities laws for statements made by forum participants. With respect to the establishment of such forums, which can be conducted and maintained in any number of ways, new Rule 14a–17 clarifies that a shareholder or company (or third party acting on behalf of a shareholder or company) that establishes, maintains, or operates an electronic shareholder forum is not liable for statements made by another person participating in the forum.[43]

The persons providing information to or making statements on an electronic shareholder forum, however, will remain liable for the content of those communications under traditional liability theories in the federal securities laws, such as those in Section 17(a) of the Securities Act and Section 10(b), Rule 10b–5, Rule 14a–9, and Section 20(e) of the Exchange Act. The prohibitions in the antifraud provisions against primary or secondary participation in fraud, deception, or manipulation will continue to apply to those supplying information to the site, and claims will not face any additional obstacles because of the new rule. Also, any other applicable federal or state law will continue to apply to persons providing information or statements to an electronic shareholder forum.

As adopted, new Rule 14a–17 provides liability protection for all shareholders, companies, and third parties acting on behalf of a shareholder or company that establish, maintain, or operate an electronic shareholder forum under the federal securities laws, provided that the forum is conducted in compliance with the federal securities laws, applicable state law and the company's charter and bylaws. The proposed rule would have applied only to companies and shareholders, but we believe it is appropriate to expand liability protections to other types of forum sponsors or operators, such as Internet service providers and shareholder or corporate associations, acting at the request, and on the behalf, of a shareholder or company.

As noted above, liability under the federal securities laws for statements made on an electronic shareholder forum is one area of concern for shareholders, companies, or third parties acting on behalf of a shareholder or company when making the decision about whether to establish such a forum. The main purpose of Rule 14a–17 is to protect the person establishing, maintaining, or operating an electronic shareholder forum from liability under the federal securities laws in much the same way that the federal telecommunications laws protect an interactive computer service.[44]

Commenters suggested certain other changes to the proposed rules. For instance, one commenter questioned whether statements made in reliance on Rule 14a–2(b)(6) are in fact solicitations as defined in Rule 14a–1(l),[45] and why the antifraud provisions of Rule 14a–9 and the filing requirements of Rule 14a–6 did not apply to such statements.[46] We believe that statements posted on an electronic shareholder forum may constitute a solicitation as defined in Rule 14a–1(l) and that is why we are adopting Rule 14a–2(b)(6) as an exemption from most of the proxy rules for such postings and specifically designating which proxy rules would apply to the postings.

We also considered whether certain persons who rely on the new Rule 14a–2(b)(6) exemption should be required to file a notification with the Commission. We concluded that filing such a notification would be unnecessary because the postings made in reliance on new Rule 14a–2(b)(6) will be limited to postings made in a shareholder forum by persons who are not seeking, directly or indirectly, the power to act as a proxy for a shareholder and to those made more than 60 days before any meeting of shareholders.

Further, one commenter highlighted the need for persons who may rely on the exemption in Rule 14a–2(b)(6) to give consideration to the impact of the postings under other Commission rules and regulations. In particular, the commenter cited the potential implications of electronic shareholder forum postings on Regulation 13D beneficial ownership reporting.[47] Again, we agree that any person relying on Rule 14a–2(b)(6) would need to assess whether compliance with other Commission rules and regulations is required. For instance, communications among shareholders in an electronic shareholder forum for the purpose of acquiring, holding, voting, or disposing of the equity securities of a company might result in the formation of a group for purposes of Regulation 13D.[48] Also, soliciting activities may impact the eligibility to file a Schedule 13G.[49]

In conclusion, we intend to remove legal ambiguity that might inhibit shareholders, companies, or third parties acting on behalf of a shareholder or company from the energetic pursuit of this mode of communication. We also intend that the amendments will encourage shareholders, companies, or third parties acting on behalf of a shareholder or company to take advantage of electronic shareholder forums to facilitate better communication among shareholders and between shareholders and companies.

IV. Paperwork Reduction Act

The proxy rules constitute a ''collection of information'' requirement within the meaning of the Paperwork Reduction Act of 1995, the PRA.[50] The amendments described in this release relate to a previously approved collection of information, ''Proxy Statements—Regulation 14A

[40] *See* comment letter from SunTrust.

[41] 17 CFR 240.14a–1(l)(1)(iii).

[42] Of course, if a person begins soliciting proxies earlier than the 60-day cut-off period, that person would no longer have the benefits of the exemption and would therefore need to comply with the proxy rules, including perhaps by filing any available postings as soliciting materials or removing prior postings from the forum.

[43] 17 CFR 240.14a–17(b).

[44] *See* Section 230(c)(1) of the Telecommunications Act of 1996 (47 U.S.C. 230(c)(1)) (''No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.''). The protection against liability in Section 230(c)(1) would presumably also apply to providers and users of electronic shareholder forums.

[45] 17 CFR 240.14a–1(l).

[46] *See* comment letter from SunTrust.

[47] *See* comment letter from ABA.

[48] 17 CFR 240.13d–5.

[49] *See* Release No. 34–39538 (January 12, 1998) [63 FR 2854], Section G (Shareholder Communications and Beneficial Ownership Reporting).

[50] 44 U.S.C. 3501 *et seq.*

(Commission Rules 14a–1 through 14a–16 and Schedule 14A (OMB Control No. 3235–0059).'' Regulation 14A was adopted pursuant to the Exchange Act and sets forth the disclosure requirements for proxy statements filed by companies to help shareholders make informed voting decisions. We do not believe that the amendments to Rule 14a–2, or the creation of new Rule 14a–17, require any revision to our current burden estimates for Regulations 14A or impose any new recordkeeping or information collection requirements under the PRA that require approval of the Office of Management and Budget, the OMB.

V. Cost-Benefit Analysis

We are adopting amendments to the proxy rules under the Exchange Act to facilitate electronic shareholder forums by removing legal ambiguity under the federal securities laws that might deter shareholders, companies, or third parties acting on a shareholder's or company's behalf from establishing or contributing to such forums. These amendments clarify that participation in an electronic shareholder forum which potentially could constitute a proxy solicitation subject to the proxy rules, is exempt from most of the proxy rules if the conditions to the exemption are satisfied. In addition, these amendments state that a shareholder, company, or third party acting on a shareholder's or company's behalf that establishes, maintains, or operates an electronic shareholder forum generally will not be liable under the federal securities laws for any statement or information provided by another person participating in the forum.

A. Benefits

The most important benefit of the amendments that we are adopting is that they will eliminate a regulatory obstacle to electronic shareholder forums which hold the potential to significantly improve communications among shareholders and between shareholders and the companies they own. As a result of the amendments, shareholders and companies may be more willing to create or sponsor these forums, because the regulatory and liability regime will be more clearly defined.

Among the potential benefits to shareholders and companies are cheaper, more timely, and more relevant exchanges of information among shareholders and between shareholders and companies. Electronic shareholder forums could generate attention for sound proposals that could increase the value of share ownership, and they could filter out proposals not supported by other shareholders. They could also help disparate shareholders form stronger coalitions and coordinate their voices.[51] These forums can also better educate or otherwise inform shareholders with respect to the issues that will likely come up through proxy solicitations during the 60 days prior to an annual meeting.

In this regard, the majority of the amendments' benefits flow from the potential reduction in costs of collective action among shareholders and the potential reduction of costs in communications between shareholders and companies if there is more extensive use of electronic forums. For example, a shareholder who does not agree with a corporate policy and therefore is considering taking steps to have the company change that policy may not be able to easily and inexpensively survey other shareholders and determine their sentiments regarding the policy. Therefore, that shareholder presently has to decide whether to take the costly steps of opposing the company's action by submitting a non-binding proposal or running a proxy contest without having the benefit of knowing whether the initiative is favored or will be supported by other shareholders.

Electronic shareholder forums may reduce communication and coordination costs among shareholders and also reduce companies' costs in replying if they choose to do so. A shareholder seeking to submit a non-binding proposal or conduct a proxy contest may be encouraged or discouraged from doing so in accordance with the better information that he or she will have acquired, at little or no cost, about the preference of other shareholders. And if a proposal is enthusiastically supported by a significant number of shares, the company might take notice and voluntarily adopt it; again, saving the shareholder considerable expense and benefiting the company and its shareholders overall.

Even if the company does not voluntarily adopt an initiative that reflects strong shareholder sentiment, knowledge of this fact by other shareholders will make it more likely that the initiative will be submitted and adopted. Shareholders may be encouraged to run successful proxy contests to pursue such changes, or management may be more responsive to the concerns in other ways. Thus, shareholders may benefit from a closer alignment between management and the interests of shareholders.

Another way that shareholders and companies may benefit from the amendments is that they could have more information to use in evaluating initiatives submitted for their consideration by other shareholders or by management. This information could be available at little or no incremental cost and could be readily accessible and searchable because it is in electronic form. Therefore, the amendments may reduce the cost of monitoring issues among shareholders.

Finally, more extensive use of electronic shareholder forums may be a step towards improving the informational efficiency of the market generally.

B. Costs

There are several potential costs to shareholders of implementing the amendments to the proxy rules, although all such costs would be voluntarily undertaken. One immediate cost of an electronic shareholder forum is that of maintaining and operating it. Although empirical data are not available for the exact costs of operating electronic shareholder forums, based on comparable costs of maintaining interactive Web sites, the costs of starting and maintaining a basic shareholder forum are not expected to be high. As more complicated features are included in a forum by its operators, such as eligibility verification procedures, anonymous accountability programs, and share ownership displays, costs could be expected to increase accordingly. Again, however, the decision to establish, operate, or maintain an electronic shareholder forum, and to add more expensive features, is voluntary.

Additionally, to the extent that the amendments to the proxy rules we are adopting result in an increase in the number of electronic forums, there could be increased costs related to the additional time that a shareholder or company chooses to spend monitoring, processing, and considering information that is posted on the forums. These costs will generally correspond to the number of shareholders using the forums, the frequency with which those shareholders post information on the forums, and the level of attention that shareholders or companies choose to

[51] Of course, communications among shareholders in an electronic shareholder forum for the purpose of acquiring, holding, voting, or disposing of the equity securities of a company might result in the formation of a group for purposes of Regulation 13D. 17 CFR 240.13d–5. Also, soliciting activities may impact the eligibility to a file a Schedule 13G. *See* Release No. 34–39538 (January 12, 1998) [63 FR 2854], Section G (Shareholder Communications and Beneficial Ownership Reporting).

pay to the ideas and opinions of the shareholders.

Should a company choose to sponsor or use an electronic shareholder forum, the company, and derivatively its shareholders, would bear the associated costs. If the company or its shareholders used the forum to conduct shareholder polls or surveys, the costs of the forums would be commensurately higher due to the time and effort necessary to accurately determine the results.

Moreover, because electronic shareholder forums may generally reduce the cost of communication among shareholders and between shareholders and companies, they may increase the frequency of that communication and thus, incidentally, the subset of that communication that constitutes misstatements, whether made intentionally or unintentionally. This could increase the costs of the forums to companies or shareholders. Although shareholders are held liable under the federal securities laws for fraudulent statements made on the forums, at least one commenter still expressed a concern that fraudulent information may lead to problems for a company, such as changes in stock prices,[52] which could increase costs to shareholders.

It should be noted, however, that the opportunity for online fraudulent misstatements is not new, as a number of shareholder forums exist online already, and there is nothing in the nature of electronic shareholder forums that should attract misstatements in greater numbers than other more public areas of the Internet. Regardless, it is possible that misstatements on an electronic shareholder forum could be taken more seriously in cases where the forum is restricted, for example, to only shareholders and the company. Even so, given the inevitability of occasional miscommunication, an electronic forum in which both the shareholders and the company participate may provide a means to quickly dispel any misleading information.

Another potential cost is that shareholders may have less complete information with which to evaluate proposals than they would have otherwise because the amendment facilitates solicitation, outside the 60-day period prior to an annual or special meeting, without mandating extensive disclosure about the identity and the ownership of the participants that would occur otherwise. Because disclosures of this type may in some instances provide other shareholders with valuable information regarding possible motivations behind proposals that they would not otherwise receive, shareholders currently benefit from the proxy rules mandating such disclosure. Under the current rulemaking, some solicitations that would ordinarily be accompanied by these additional disclosures would proceed without them. The magnitude of this cost of lost information, however, depends on the extent to which shareholders have easy access to substitute sources of information and to the extent the information is material to the actions of shareholders and companies in the proxy voting process.

Finally, a shareholder that cannot, or chooses not to, use the Internet may be disadvantaged by not being able to fully participate in this form of dialogue among shareholders and between shareholders and the company. As a result, these shareholders may incur costs associated with adjusting to the use of electronic forums or in searching for the information being conveyed on the electronic forums in another medium. Alternatively, a shareholder who has never used the Internet but feels compelled to do so because of an electronic shareholder forum would incur the costs of obtaining Internet access. These costs, however, are similar to those that shareholders already must incur in to participate in existing electronic forums. Nonetheless, it is possible that if electronic shareholder forums are restricted to shareholders and companies, they will be considered more relevant and meaningful than existing forums that are available to any person. The costs to shareholders not willing or able to use electronic shareholder forums could be offset to some degree by the fact that other shareholders with whom they share a common financial interest may take advantage of the forums to propose initiatives and make their sentiments known to the company.[53]

VI. Consideration of Burden on Competition and Promotion of Efficiency, Competition, and Capital Formation

Section 23(a)(2) of the Exchange Act[54] requires us, when adopting rules under the Exchange Act, to consider the impact that any new rule would have on competition. In addition, Section 23(a)(2) prohibits us from adopting any rule that would impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act. Section 3(f) of the Exchange Act[55] and Section 2(c) of the Investment Company Act of 1940[56] requires us, whenever we engage in rulemaking and are required to consider or determine if an action is necessary or appropriate in the public interest, also to consider whether the action will promote efficiency, competition, and capital formation.

By removing legal ambiguity, we anticipate the rules will promote efficiency in shareholder communications. Electronic shareholder forums may reduce communication costs and coordination costs among shareholders and also reduce companies' costs in replying if they choose to do so. Finally, more extensive use of electronic shareholder forums may be a step towards improving the informational efficiency of the market generally.

To the extent shareholders express interest in starting or participating in forums, competition among service providers to host or operate the forums may increase. We do not anticipate any effect on capital formation.

VII. Final Regulatory Flexibility Act Analysis

This Final Regulatory Flexibility Act Analysis, the FRFA, has been prepared in accordance with the Regulatory Flexibility Act.[57] This FRFA relates to new Rule 14a–17 and the new Rule 14a–2 exemption, which will facilitate greater online interaction among shareholders and their companies by removing some obstacles to the use of electronic shareholder forums. These amendments to the proxy rules clarify that a shareholder, company, or third party acting on a shareholder's or company's behalf that establishes, maintains, or operates an electronic shareholder forum is not liable for statements made by another person or entity participating in the forum. Also, the amended rules exempt any solicitation in an electronic shareholder forum from the proxy rules, other than from the shareholder list provisions in Rule 14a–7 and the antifraud provisions in Rule 14a–9, if all of the conditions to the exemption are satisfied. An Initial Regulatory Flexibility Act Analysis was prepared in accordance with the Regulatory Flexibility Act and included in the Proposing Release.

[52] *See, e.g.*, comment letter from Domini.

[53] Also, a forum operator, or a forum participant, could choose to mail notice of important developments on the electronic shareholder forum to shareholders who are not willing or able to use the technology.

[54] 15 U.S.C. 78w(a)(2).

[55] 15 U.S.C. 78c(f).

[56] 15 U.S.C. 80a–2(c).

[57] 5 U.S.C. 601.

A. Need for the Amendments

These amendments to the proxy rules are necessary to remove legal ambiguity that might deter shareholders, companies, and others from establishing or participating in electronic shareholder forums. New Rule 14a–17 and the new Rule 14a–2(b)(6) exemption will clarify the responsibilities of those who establish, maintain, operate, and contribute to electronic shareholder forums, with the purpose of stimulating experimentation, innovation, and greater use of the Internet to further shareholder communications. By facilitating such communications on the Internet among shareholders, and between shareholders and their companies, we hope to tap the potential of technology to better vindicate shareholders' state law rights, including their rights to elect directors, in ways that are potentially both more effective and less expensive.

Despite the potential benefits of electronic shareholder forums, shareholders and companies alike have been reluctant to establish, maintain, or operate them due, in part, to uncertainty over liability for statements and information provided by those participating in the forum. In addition, shareholders and companies have expressed concern regarding whether views and statements expressed through a forum would be considered proxy solicitations.

Therefore, we are adopting Rule 14a–17 to provide liability protection for a shareholder, company, or third party acting on behalf of a shareholder or company that establishes or maintains an electronic shareholder forum regarding statements or information provided by others participating in the forum. Also, we are adopting the new Rule 14a–2(b)(6) exemption from the proxy rules to explicitly state that Rules 14a–3 through 14a–6 (other than Rule 14a–6(g)), Rule 14a–8, and Rules 14a–10 through 14a–15 do not apply to any solicitation in an electronic shareholder forum. By taking these steps, we hope to remove both real and perceived impediments to continued private sector experimentation with, and use of, the Internet for communication among shareholders, and between shareholders and the companies in which they invest. We intend for the amendments to encourage the creation of, and participation in, electronic shareholder forums.

B. Significant Issues Raised by Public Comments

In the Proposing Release, we published for comment a number of amendments to the proxy rules under the Exchange Act concerning shareholder proposals generally. The description of the proposed amendments regarding electronic shareholder forums constituted only one section of the release.[58] In this release, we are adopting only the proposed amendments to the proxy rules that relate to electronic shareholder forums and not the proposed amendments dealing with other aspects of shareholder proposals.

The majority of the public comment regarding electronic shareholder forums was favorable.[59] Generally, the commenters favored the exemption and new rule because they support the continued development of electronic shareholder forums as a means of facilitating communication among shareholders and between shareholders and companies.[60] A substantial percentage of the commenters opposed substituting electronic shareholder forums for the current means of presenting non-binding shareholder proposals in the company's proxy statement pursuant to Rule 14a–8. Although we solicited comment on the idea of using electronic shareholder forums as the sole means to present non-binding shareholder proposals to shareholders, several of the commenters made it clear that they supported electronic shareholder forums provided that the forums were a supplement to, and not a replacement for, the current Rule 14a–8 process.[61] Under the final rules, electronic shareholder forums will be an additional, rather than substitute, means of communication.

Additionally, some commenters believed that keeping the identity of shareholders who post messages on these electronic forums anonymous would threaten meaningful communications among shareholders and the company.[62] These commenters asserted that shareholders' identities should be disclosed and that the shareholders' ownership interests in the company should be made known as well. The rule amendments that we are adopting today neither mandate nor preclude anonymous communications because we want to allow forum sponsors to have flexibility in creating electronic shareholder forums and to encourage innovation and experimentation.

Despite the generally favorable reaction, some commenters were concerned about possible negative consequences of the amendments. First, some commenters worried that the electronic shareholder forums could develop into shareholder chat rooms, which may not provide for meaningful communication.[63] Other commenters asserted that we did not adequately address whether shareholders and others could wage a successful, coordinated proxy campaign beyond the 60-day period during which the regular proxy rules would not apply.[64] Finally, some commenters suggested that we analyze the issue further and address electronic shareholder forums as part of a more comprehensive study reviewing the shareholder communications process.[65]

In the Proposing Release, we requested comment on many aspects of the proposed amendments to the proxy rules concerning shareholder proposals generally, including the number of small entities that would be affected by the proposed amendments, and the quantitative and qualitative nature of the impact. Commenters, including the Office of Advocacy of the Small Business Administration, addressed several aspects of the proposed rule amendments that potentially could have affected small entities. However, none of the commenters specifically discussed the effect of the proposed amendments regarding electronic shareholder forums on small businesses or entities. In particular, because the electronic shareholder forums authorized by the amendments that we are adopting are entirely voluntary, we believe that they will beneficially affect small businesses and entities in the same manner that they will beneficially affect larger businesses and entities. This is because presumably, only those businesses and entities that find them beneficial will choose to use them.

C. Small Entities Subject to the Final Amendments

The amendments that we are adopting in this release will affect only shareholders and companies that voluntarily establish, maintain, or operate electronic shareholder forums or that post information on, or provide information to, such forums. Some of the companies or shareholders may be small entities. Exchange Act Rule 0–

[58] Proposing Release, Section II.B (Electronic Shareholder Forums).

[59] *See, e.g.*, comment letters from Allstate, BRT, Capital Research, GreenMachines, and ICI.

[60] *See, e.g.*, comment letter from Calvert, Senator Levin, and Van Winthrop.

[61] *See, e.g.*, comment letters from Christus, Domini, and Trillium.

[62] *See comment* letters from ABA and Christian Brothers.

[63] *See, e.g.*, comment letters from Bricklayers, Green Century, SIF, and Walden.

[64] *See* comment letters ABA and SunTrust.

[65] *See* comment letters from ABA and SCSGP.

10(a) defines an issuer, other than an investment company, to be a ''small business'' or ''small organization'' if it had total assets of $5 million or less on the last day of its most recent fiscal year. We estimate that there are approximately 1,110 issuers, other than investment companies, that may be considered small entities.

We are adopting the amendments to the proxy rules to facilitate electronic shareholder forums by clarifying that participation in a forum, which could potentially constitute a proxy solicitation subject to the proxy rules, is exempt from most of the proxy rules if the shareholder or company satisfies all of the conditions to the exemption. Also, we are facilitating electronic shareholder forums by clarifying that any shareholder, company, or third party acting on behalf of a shareholder or company that establishes, maintains, or operates an electronic shareholder forum will not solely because of establishing, maintaining, or operating the forum be liable under the federal securities laws for any statement or information provided by another person participating in the forum. The amendments remove legal ambiguity that might deter shareholders and companies from relying on this mode of communication.

The amendments that we are adopting only apply to shareholders, companies, or third parties acting on their behalf if they choose to establish, maintain, operate, or participate in electronic shareholder forums. We are not requiring a small entity to have any involvement with electronic shareholder forums. We are only clarifying the liability provisions for establishing, maintaining, or operating such a forum and providing an exemption for forum communications that fall within the broad definition of a solicitation.

D. Reporting, Recordkeeping, and Other Compliance Requirements

The amended rules do not impose any new reporting, recordkeeping, or compliance requirements on small entities. In fact, a small entity is not required to take any reporting or recordkeeping action or to comply with any other new requirements, unless it chooses to rely on the new Rule 14a–2(b)(6) exemption. If a small entity or shareholder posts information on a forum in reliance on Rule 14a–2(b)(6), and later solicits the power to act as a proxy for a shareholder, it will need to determine whether any earlier postings remaining on the forum after the Rule 14a–2(b)(6) exemption no longer is available must be filed as soliciting materials.[66] Regardless, if small entities choose to do nothing regarding electronic shareholder forums, the amended proxy rules have no additional reporting, recordkeeping, or other compliance requirements that they must follow.

E. Agency Action To Minimize Effect on Small Entities

The Regulatory Flexibility Act directs us to consider alternatives that would accomplish our stated objectives, while minimizing any significant adverse impact on small entities. Our objective in adopting the amendments is to facilitate electronic shareholder forums by clarifying that participation in a forum is exempt from most of the proxy solicitation rules if the participant satisfies all of the exemption's conditions, and that forum operators are not liable for third-party statements on their forums. The amendments impact small entities only if the entities choose to involve themselves in the forums by establishing, maintaining, or operating them or by posting information on or providing information to the forums. We considered alternatives to accomplish our stated objective, but we could not think of one that would make electronic shareholder forums more useful to small entities because these amendments are voluntary and affect small entities only if they chose to participate in them.

VIII. Statutory Basis and Text of the Rules and Amendments

We are adopting amendments pursuant to Sections 14, 23(a), and 36 of the Exchange Act, as amended, and Sections 20(a) and 38 of the Investment Company Act of 1940, as amended.

List of Subjects 17 CFR Part 240

Reporting and recordkeeping requirements, Securities.

■ In accordance with the foregoing, the Securities and Exchange Commission amends Title 17, chapter II of the Code of Federal Regulations as follows:

PART 240—GENERAL RULES AND REGULATION, SECURITIES EXCHANGE ACT OF 1934

■ 1. The authority citation for part 240 continues to read, in part, as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77z–3, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78e, 78f, 78g, 78i, 78j, 78j–1, 78k, 78k–1, 78*l*, 78m, 78n, 78o, 78p, 78q, 78s, 78u–5, 78w, 78x, 78*ll*, 78mm, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4, 80b–11, and 7201, *et seq.*; and 18 U.S.C. 1350, unless otherwise noted.

* * * * *

[66] *See* 17 CFR 240.14a–1(l)(1)(iii).

■ 2. Section 240.14a–2 is amended by adding paragraph (b)(6) to read as follows:

§ 240.14a–2 Solicitations to which § 240.14a–3 to § 240.14a–15 apply.

* * * * *

(b) * * *

(6) Any solicitation by or on behalf of any person who does not seek directly or indirectly, either on its own or another's behalf, the power to act as proxy for a shareholder and does not furnish or otherwise request, or act on behalf of a person who furnishes or requests, a form of revocation, abstention, consent, or authorization in an electronic shareholder forum that is established, maintained or operated pursuant to the provisions of § 240.14a–17, provided that the solicitation is made more than 60 days prior to the date announced by a registrant for its next annual or special meeting of shareholders. If the registrant announces the date of its next annual or special meeting of shareholders less than 60 days before the meeting date, then the solicitation may not be made more than two days following the date of the registrant's announcement of the meeting date. Participation in an electronic shareholder forum does not eliminate a person's eligibility to solicit proxies after the date that this exemption is no longer available, or is no longer being relied upon, provided that any such solicitation is conducted in accordance with this regulation.

3. Add § 240.14a–17 to read as follows:

§ 240.14a–17 Electronic shareholder forums.

(a) A shareholder, registrant, or third party acting on behalf of a shareholder or registrant may establish, maintain, or operate an electronic shareholder forum to facilitate interaction among the registrant's shareholders and between the registrant and its shareholders as the shareholder or registrant deems appropriate. Subject to paragraphs (b) and (c) of this section, the forum must comply with the federal securities laws, including Section 14(a) of the Act and its associated regulations, other applicable federal laws, applicable state laws, and the registrant's governing documents.

(b) No shareholder, registrant, or third party acting on behalf of a shareholder or registrant, by reason of establishing, maintaining, or operating an electronic shareholder forum, will be liable under the federal securities laws for any statement or information provided by another person to the electronic shareholder forum. Nothing in this

section prevents or alters the application of the federal securities laws, including the provisions for liability for fraud, deception, or manipulation, or other applicable federal and state laws to the person or persons that provide a statement or information to an electronic shareholder forum.

(c) Reliance on the exemption in § 240.14a–2(b)(6) to participate in an electronic shareholder forum does not eliminate a person's eligibility to solicit proxies after the date that the exemption in § 240.14a–2(b)(6) is no longer available, or is no longer being relied upon, provided that any such solicitation is conducted in accordance with this regulation.

Dated: January 18, 2008.

By the Commission.

Nancy M. Morris,

Secretary.

[FR Doc. E8–1263 Filed 1–24–08; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2007–0179]

RIN 1625–AA08

Special Local Regulations; Recurring Marine Events in the Seventh Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is creating special local regulations to regulate recurring marine events in the Seventh Coast Guard District. These regulations will apply to all permitted events listed on the table attached to the regulation, and include events such as regattas, parades, and fireworks displays. These regulations are being created to reduce the Coast Guard's administrative workload and expedite public notification of events.

DATES: This rule is effective 30 days after publication in the **Federal Register**.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [USCG–2007–0179] and are available for inspection or copying at the Brickell Plaza Federal Building, Miami, FL, between 8 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LTJG John Lisko, U.S. Coast Guard District Seven Waterways Management Division, (305) 415–6730.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On November 13, 2007, we published a notice of proposed rulemaking (NPRM) entitled Special Local Regulations; Recurring Marine Events in the Seventh Coast Guard District **Federal Register** (72 FR 63839) under Docket No. CGD07–07–102. We received no letters in the mail commenting on the proposed rule. No public meeting was requested, and none was held.

Background and Purpose

Marine events are frequently held on the navigable waters within the boundary of the Seventh Coast Guard District. These include events such as sailing regattas, holiday parades, and fireworks displays. Currently, there are over 250 annually recurring marine events and many other non-recurring events within the district. In the past, the Coast Guard regulated these events by creating individual special local regulations on a case by case basis. Most of these events required only the establishment of a regulated area and assignment of a patrol commander to ensure safety. Issuing individual, annual special local regulations has created a significant administrative burden on the Coast Guard. In 2005, the Coast Guard created over 60 temporary regulations for recurring marine events in the Seventh District. That number rose to over 110 in 2006 and over 160 in 2007.

Additionally, for the majority of these events, the Coast Guard does not receive notification of the event or important details of the event are not finalized by event organizers with sufficient time to publish a notice of proposed rulemaking and final rule before the event date. The Coast Guard must therefore create temporary final rules that sometimes are not completed until a few days before the event. This results in delayed notification to the public, potentially placing the public and event participants at risk.

This rule will significantly relieve the administrative burden on the Coast Guard, and at the same time allow the sponsor of the event and the Coast Guard to notify the public of these events in a timely manner. The public will be provided with notice of events through the table attached to this regulation. This table lists each recurring event that may be regulated by the Coast Guard, and indicates the sponsor, as well as the date and location of the event. Because the dates and location of these events may change slightly from year to year, the specific information on each event, including the exact dates, specific areas, and description of the regulated area, will be provided to the public through a Local Notice to Mariners published before the event, as well as through Broadcast Notice to Mariners. This table will be updated by the Coast Guard periodically to add new recurring events, remove events that no longer occur, and update listed events to ensure accurate information is provided.

Discussion Comments and Change

No comments were received. However, slight changes were made to proposed events to clarify dates and sponsors. In the Captain of the Port Zone Key West the date for Marathon Super Boat Grand Prix was updated to the 3rd Weekend of May (FRI–SUN). The date for the FKCC Swim around Key West was updated to the 3rd Saturday in June. These changes were made to add information to the events for increased public knowledge.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities. This rule would affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in the areas where marine events are being held. This proposed regulation will not

have a significant impact on a substantial number of small entities because it will only be enforced on marine events that have been permitted by the Coast Guard Captain of the Port. The Captain of the Port will ensure that small entities are able to operate in the areas where events are occurring. Additionally, in most cases, vessels will be able to safely transit around the regulated area at all times, and, with the permission of the Patrol Commander, vessels may transit through the regulated area.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule does not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Commandant Instruction M16475.lD which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, we believe that this rule should be categorically excluded, under figure 2–1, paragraph (34)(h), of the Instruction, from further environmental documentation. This rule fits the category of paragraph 34(h) because it creates special local regulations for regattas and marine parades.

Under figure 2–1, paragraph (34)(h), of the Instruction, an ''Environmental Analysis Check List'' is not required for this rule. Comments on this section will be considered before we make the final decision on whether to categorically exclude this rule from further environmental review.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—REGATTAS AND MARINE PARADES

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. Add a new § 100.701 to read as follows:

§ 100.701 Special Local Regulations; Marine Events in the Seventh Coast Guard District

The following regulations apply to the marine events listed in Table 1 of this section. These regulations will be effective annually, for the duration of each event listed in Table 1. Annual notice of the exact dates and times of the effective period of the regulation with respect to each event, the geographical area, and details concerning the nature of the event and the number of participants and type(s) of vessels involved will also be published in the local notice to mariners and broadcast over VHF.

(a) *Definitions.* The following definitions apply to this section:

Patrol Commander. A Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the respective Coast Guard Sector Commander to enforce these regulations.

Spectators. All persons and vessels not registered with the event sponsor as participants or official patrol vessels.

(b) *Event Patrol.* The Coast Guard may assign an event patrol, as described in § 100.40 of this part, to each regulated event listed in the table. Additionally, a Patrol Commander may be assigned to oversee the patrol. The event patrol and Patrol Commander may be contacted on VHF Channel 16.

(c) *Special Local Regulations.* (1) The Coast Guard Patrol Commander may forbid and control the movement of all vessels in the regulated area(s). When hailed or signaled by an official patrol vessel, a vessel in these areas shall immediately comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(2) The Coast Guard Patrol Commander may terminate the event, or the operation of any vessel participating in the event, at any time it is deemed necessary for the protection of life or property.

(3) Only event sponsor designated participants and official patrol vessels are allowed to enter the regulated area.

(4) Spectators are only allowed inside the regulated area if they remain within a designated spectator area. Spectators may contact the Coast Guard Patrol Commander to request permission to pass through the regulated area. If permission is granted, spectators must pass directly through the regulated area at safe speed and without loitering.

(d) *Contact Information.* Questions about marine events should be addressed to the local Coast Guard Captain of the Port for the area in which the event is occurring. Contact information is listed below. For a description of the geographical area of each Captain of the Port zone, please see subpart 3.35 of this chapter.

(1) Captain of the Port Charleston, South Carolina: (843) 724–7616.

(2) Captain of the Port Savannah, Georgia: (912) 652–4353.

(3) Captain of the Port Jacksonville, Florida: (904) 247–7318.

(4) Captain of the Port Miami, Florida: (305) 535–8701.

(5) Captain of the Port Key West, Florida: (305) 292–8779.

(6) Captain of the Port Sector St. Petersburg, Florida: (727) 824–7506.

(7) Captain of the Port San Juan, Puerto Rico: (787) 289–2041.

(e) *Application for Marine Events.* The application requirements of § 100.15 of this part apply to all events listed in Table 1. For information on applying for a marine event, contact the Captain of the Port for the area in which the event will occur, at the phone numbers listed above.

TABLE 1 TO SEC. 100.701

Date	Event	Sponsor	Location
COTP Zone Miami			
January—1st weekend	Levin Memorial Regatta.	Biscayne Bay Star Fleet.	Biscayne Bay, 2.3 nautical miles offshore from the Coral Bay, Florida; All waters from the surface to the bottom for a radius of 1.7NM centered around position 25°39′6″ N, 080°13′30″ W no closer than 500 feet from each vessel.
	Fort Lauderdale Boomerang Regatta.	Lauderdale Yacht Club	Atlantic Ocean .5 nautical mile offshore from .5 nautical mile south of the Port Everglades Channel to 4 nautical miles south of the Port Everglades offshore of West Lake, Port Everglades, Florida no closer than 500 feet from each vessel.
January—3rd weekend	Rolex Miami Olympic Sailing Race.	U.S. Sailing & U.S. Olympic Sailing Center.	Southern Biscayne Bay inside of an area from the Rickenbacker Causeway southwest to Snapper Creek Canal south to Latitude 25°32′00″ N east to Soldier Key and northeast to a position approximately 1 nautical mile east of Cape Florida, northwest to Rickenbacker Causeway, Miami, Florida no closer than 500 feet from each vessel.
February—1st weekend.	Commodore Rasco Snipe Class Regatta.	Coconut Grove Sailing Club.	Biscayne Bay, 1 mile offshore from the Coconut Grove Sailing Club, Coconut Grove, Florida; All waters from the surface to the bottom for a radius of 1NM centered around position 25°41′42″ N, 080°13′00″ W no closer than 500 feet from each vessel.
March—1st week, Monday–Friday.	Bacardi Cup	Biscayne Bay Star Fleet.	All waters within 1.5 nautical miles of the following center point: 25°38′16″ N Latitude; 080°13′14″ W Longitude, in southern Biscayne Bay, Miami, Florida.
March—2nd weekend, Saturday and Sunday.	Lightenings Midwinter's.	Coral Reef Yacht Club	Biscayne Bay, 2.3 nautical miles offshore from the Coral Bay, Florida; All waters from the surface to the bottom for a radius of 1.7NM centered around position 25°39′6″ N, 080°13′5″ W no closer than 500 feet from each vessel.
March—2nd weekend	Don Q Rum Snipe Class Regatta.	Coconut Grove Sailing Club.	Biscayne Bay, 1 mile offshore from the Coconut Grove Sailing Club, Coconut Grove, Florida; All waters from the surface to the bottom for a radius of 1NM centered around position 25°41′42″ N, 080°13′00″ W no closer than 500 feet from each vessel.
March—2nd weekend, Saturday and Sunday.	Coral Cup	Coconut Grove Sailing Club.	Biscayne Bay, 1 mile offshore from the Coconut Grove Sailing Club, Coconut Grove, Florida; All waters from the surface to the bottom for a radius of 1NM centered around position 25°41′42″ N, 080°13′00″ W.

TABLE 1 TO SEC. 100.701—Continued

Date	Event	Sponsor	Location
March—last weekend ..	Shake-A-Leg Mid Winter Regatta.	Shake-A-Leg Foundation.	All waters of Biscayne Bay, from the Rickenbacker Causeway south to Latitude 25°32′00″ N, Miami, Florida no closer than 500 ft from each vessel.
April—2nd or 3rd weekend.	Miami to Key Largo Race.	Miami Yacht Club Youth Sailing Foundation.	Biscayne Bay and Intracoastal Waterway from the Rickenbacker Causeway in Miami, Florida to Key Biscayne to Cape Florida to Soldier Key to Sands Key to Elliot Key to Two Stacks to Card Sound to Barnes Sound to Blackwater Sound in Key Largo, Florida no closer than 500 feet from each vessel.
April—2nd weekend	Florida State Optimists Championship Regatta.	Coconut Grove Sailing Club.	Biscayne Bay, 1 mile offshore from the Coconut Grove Sailing Club, Coconut Grove, Florida; All waters from the surface to the bottom for a radius of 1NM centered around position 25°41′42″ N, 080°13′00″ W.
April—2nd weekend, Saturday and Sunday.	Fort Lauderdale Air/Sea Show Super Boat Grand Prix.	Super Boat International Productions, Inc.	Atlantic Ocean offshore Fort Lauderdale, Florida within an area 500 yards wide 300 yards offshore from 1,500 yards north of the Port Everglades Channel north for 4 nautical miles (600 yards north of the Oakland Park Beach Blvd).
April—3rd weekend	Miami Super Boat Grand Prix.	Super Boat International Productions, Inc.	Offshore Miami Beach, Florida, including the area within a line joining the following points: 25°46′18″ N, 080°07′51″ W; thence to, 25°46′18″ N, 080°06′49″ W; thence to, 25°51′18″ N, 080°06′12″ W; thence to, 25°51′18″ N, 080°07′11″ W; thence along the shoreline to the starting point.
April—last Saturday	Sunfest Fireworks	Pyro Shows, Inc	Intracoastal Waterway in West Palm Beach between Banyon St and Lakeview; All waters from the surface to the bottom for a radius of 1000ft centered around position Ave in position 26°42′34″ N, 080°02′47″ W.
	Vero Beach Yacht Club Blessing of the Fleet.	Blessing of the Fleet ..	North Fork and St Lucie River, Florida no closer than 500 feet from each vessel.
April, May, and June—1st weekend.	Hollywood Super Boat Grand Prix.	Super Boat International Productions, Inc.	Atlantic Ocean offshore Hallandale Beach, Florida in an area 400 yards wide approximately 200 yards offshore from the Hallandale Beach tank to approximately 1 nautical mile south of the Dania Town Canal.
May—1st weekend	C-Gull Cup	Coconut Grove Sailing Club.	Biscayne Bay, 1 mile offshore from the Coconut Grove Sailing Club, Coconut Grove, Florida; All waters from the surface to the bottom for a radius of 1NM centered around position 25°41′42″ N, 080°13′00″ W.
	Fort Lauderdale Air & Sea Show.	Fort Lauderdale Parks and Recreation.	Atlantic Ocean offshore Fort Lauderdale, Florida within an area 500 yards wide 300 yards offshore from 1,500 yards north of the Port Everglades Channel north for 4 nautical miles (600 yards north of the Oakland Park Beach Blvd).
May—3rd weekend	Pompano Beach Power Squadron Safe Boat Parade.	Pompano Beach Power Squadron.	14th St Bridge to Sunrise Bay, Florida.
May—last weekend	Goombay Regatta	Coconut Grove Sailing Club.	Biscayne Bay, 1 mile offshore from the Coconut Grove Sailing Club, Coconut Grove, Florida; All waters from the surface to the bottom for a radius of 1NM centered around position 25°41′42″ N, 080°13′8″ W no closer than 500 feet from each vessel.
July 4th	American Legion Fourth of July.	Add-Fire Fireworks, Inc..	Biscayne Bay, approx 400 ft offshore of Legion Picnic Island, Miami, Florida in approx position 25°50′02″ N, 080°10′24″ W.
	Fort Lauderdale Fourth of July.	Colonial Fireworks	½ NM offshore at Las Olas Blvd., Fort Lauderdale, Florida.
	Fort Lauderdale Yacht Club Fourth of July.	Colonial Fireworks	Intracoastal Waterway in front of the Fort Lauderdale Yacht Club, Fort Lauderdale, Florida.
	City of Stuart Fourth of July.	Creative Fireworks Co.	Intracoastal Waterway in front of Stuart City Hall, Stuart, Florida.
	Bayfront Park Fourth of July.	Firepower Displays	All waters within a 1680 foot radius around approximate position 25°46′30″ N, 080°10′54″ W, in Biscayne Bay, FL.
	Coral Reef Yacht Club Fourth of July.	Firepower Displays	700 ft offshore from Vizcaya in Biscayne Bay, Miami, Florida.
	Fisher's Island Fourth of July.	Firepower Displays	Offshore 840 ft from Fisher Island, Florida.
	Miami Beach Fourth of July.	Firepower Displays	840 ft offshore from Atlantic Heights, Miami Beach, Florida.
	Village of Key Biscayne Fourth of July.	Firepower Displays	1500 ft offshore from Key Biscayne in Biscayne Bay, Miami, Florida.
	Viscayans Fourth of July.	Firepower Displays	700 ft offshore from Viscaya in Biscayne Bay, Miami, Florida.
	Delray Beach Fourth of July.	Fireworks by Grucci, Inc.	Atlantic Ocean, 1,000 ft offshore from Delray Beach, Florida; All waters from the surface to the bottom for a radius of 840 feet centered around position 26°27′41″ N, 080°03′11″ W.

TABLE 1 TO SEC. 100.701—Continued

Date	Event	Sponsor	Location
	Boynton Beach Fourth of July.	Melrose South Pyrotechnics.	All waters from the surface to the bottom, for 840 ft out in all directions from approximate position 26°32′52″ N, 080°02′54″ W.
	City of Hollywood Fourth of July.	Melrose South Pyrotechnics.	Atlantic Ocean, 1,000 ft offshore from Hollywood, Florida; All waters from the surface to the bottom for a radius of 840 feet centered around position 26°01′19″ N, 080°06′39″ W
	Riviera Beach Fourth of July.	Sparktacular Fireworks	All waters within a 1400 foot diameter around approximate position 26°42′26″ N, 080°02′28″ W.
	Town of Lantana Fourth of July.	Zambelli Fireworks	All waters within an 840 foot diameter in approximate position 26°35′13″ N, 080°02′50″ W.
	West Palm Beach Fourth of July.	Zambelli Fireworks	All waters within a 1400 foot diameter of approximate position 26°42′26″ N, 080°02′28″ W.
July—1st weekend	Commodore's Cup Regatta.	Coconut Grove Sailing Club.	Biscayne Bay, 1 mile offshore from the Coconut Grove Sailing Club, Coconut Grove, Florida; All waters from the surface to the bottom for a radius of 1NM centered around position 25°41′42″ N, 080°13′00″ W no closer than 500 feet from each vessel.
July—2nd weekend	Dania Beach / Hollywood Super Boat Race.	Super Boat International Productions, Inc.	Waters offshore of Hollywood Beach within an area located 300 yards offshore from North Lake north to Dania Cutoff Canal going offshore aproximately 650 yards.
August—3rd weekend	Conch Cup Regatta ...	Miami Yacht Club	Biscayne Bay from the Rickenbacker Causeway south in the Intracoastal Waterway to the Cape Florida Channel, east around Key Biscayne and north to the Miami Channel entrance, Miami, Florida no closer than 500 feet from each vessel.
October—1st weekend	Columbus Day Regatta.	Columbus Day Regatta, Inc.	Southern Biscayne Bay inside of an area from 1 nautical mile south of the Rickenbacker Causeway and 1 nautical mile east of Deering Channel southwest to Snapper Creek Canal south to a point half between Soldier Key and Lewis Cut west to the chain of islands south of Soldier Key and north to 1 nautical mile south of Rickenbacker Causeway, Miami, Florida.
	Deerfield Beach Super Boat National Championship.	Super Boat International Productions, Inc.	Atlantic Ocean within an area 500 yards wide approximately 500 yards offshore Deerfield Beach, FL from 2 miles north of Hillsboro Inlet to .5 mile south of Boca Raton Inlet.
October—2nd weekend	Miami Kayak Challenge.	Cystic Fibrosis Foundation.	All waters of Biscayne Bay from Lummus Island Cut to the Rickenbacker Causeway, Miami, Florida.
November—2nd weekend, Saturday and Sunday.	Keely Perpetual Trophy Regatta.	Biscayne Bay Yacht Club.	Biscayne Bay within an area from the Dinner Key Channel to Biscayne National Park Marker "B" to Cutter Channel Mark "2" to Biscayne National Park Marker "C" to West Featherbead Bank Channel Marker "3" to West Featherbed Bank Channel Marker "5" to Elliot Key Biscayne National Park Anchorage, Miami, Florida no closer than 500 feet from each vessel.
November—2nd or 3rd weekend.	Matheson Perpetual Trophy Regatta.	Biscayne Bay Yacht Club.	Biscayne Bay within an area from the Dinner Key Channel to Biscayne National Park Marker "B" to Cutter Channel Mark "2" to Biscayne National Park Marker "C" to West Featherbead Bank Channel Marker "3" to West Featherbed Bank Channel Marker "5" to Elliot Key Biscayne National Park Anchorage, Miami, Florida no closer than 500 feet from each vessel.
November—2nd weekend.	PHRF SE Florida Championship.	Coconut Grove Sailing Club.	Biscayne Bay, 2.3 nautical miles offshore from the Coral Bay, Florida; All waters from the surface to the bottom for a radius of 1.7NM centered around position 25°39′6″ N, 080°13′30″ W no closer than 500 feet from each vessel.
	Viscayan's Ball	Firepower Displays	1200 ft offshore from Virginia Key, South of Seaquarium, Miami, Florida.
December 31st	Bayside New Years	Add-Fire Fireworks, Inc.	All waters within a 1680 foot radius around a barge in position 25°46′30″ N, 080°10′54″ W.
	Fisher Island New Years.	Add-Fire Fireworks, Inc.	1000 ft offshore east of Fisher Island, Florida.
	Hillsboro New Years Fireworks.	Add-Fire Fireworks, Inc.	100 yds North of Hillsboro Inlet, Florida.
	Indian Riverside Park New Years.	Add-Fire Fireworks, Inc.	1200 ft east of Indian Riverside Park, Jensen Beach, Florida.
	Greater Miami New Years.	Firepower Displays	1200 ft offshore from Bayfront Park, Miami Harbor, Miami, Florida.
	Viscayan's New Years	Firepower Displays	840 ft offshore from Viscaya, Miami, Florida.
December—3rd weekend.	Pompano Beach Boat Parade.	Pompano Beach Boat Parade Committee.	Intracoastal Waterway in Pompano Beach, Florida, from Lake Santa Barbara to Hillsboro Blvd Bridge.
December—1st weekend.	Commodore's Cup	Biscayne Bay Star Fleet.	Biscayne Bay, 2.3 nautical miles offshore from the Coral Bay, Florida; All waters from the surface to the bottom for a radius of 1.7NM centered around position 25°39′6″ N, 080°13′30″ W no closer than 500 feet from each vessel.
	Kiwanis of Little Havana Christmas.	Firepower Displays	1200 ft offshore from Virginia Key, South of Seaquarium, Miami, Florida.

TABLE 1 TO SEC. 100.701—Continued

Date	Event	Sponsor	Location
	Holiday Boat Parade of the Palm Beaches.	Marine Industrial Association of Palm Beach County.	Port of Palm Beach Turning Basin and the Intracoastal Waterway extending south from Lake Worth South LT 1 (LLNR 42170) to Lake Worth South Daybeacon 23 (LLNR 42300).
	Martin County Christmas Boat Parade.	Marine Industries Association.	All waters of the North and South Fork's of the St Lucie River in Stuart, Florida, starting on the north side of the State Road 60 Bridge going south to Hutchinson Island and circling back north to the State Road 60 Bridge and ending past the City of Stuart Municipal Marina.
December—2nd or 3rd weekend.	Seminole Hard Rock Winterfest Boat Parade.	Winterfest, Inc	All waters of the Intracoastal Waterway from the Port Everglades turning basin to the Pompano Beach Daybeacon 74 (LLNR 47230).
December—2nd weekend.	Piana Cup Regatta	Biscayne Bay Yacht Club.	Biscayne Bay, 2.3 nautical miles offshore from the Matheson Hammock County Park, Florida; All waters from the surface to the bottom for a radius of 1.5NM centered around position 25°39′54″ N, 080°13′12″ W no closer than 500 feet from each vessel.
	Boynton / Delray Beach Christmas Boat Parade.	Kiwanis Club Delray Beach.	Intracoastal Waterway from marker #46 in Boynton Beach, Florida to C–15 Canal in Delray Beach, Florida
	St Lucie Christmas Boat Parade.	Marine Industrial Association.	All waters of the Intracoastal Waterway and Taylor Creek in Fort Pierce, Florida, starting in the Fort Pierce turning basin and inlet area going to Taylor Creek and the Intracoastal Waterway between the North Causeway Bridge and the South Causeway Bridge.
	Miami Outboard Club Christmas Boat Parade.	Miami Outboard Club	Biscayne Bay from the Miami Outboard Club on Watson Island starting from in between the MacArthur Causeway and Palm Island heading west around Palm Island and Hibiscus Island, heading east between Di Lido Island, heading east around the monument, south through Meloy Channel, west in Government Cut to Bicentennial Park, south to the Dodge Island Bridge, south in the Intracoastal Waterway to Claughton Island, circling back to the north in the Intracoastal Waterway to Watson Island, around the Island on the north side to Miami Outboard Club no closer than 500 feet from each vessel.
	Boca Raton Holiday Boat Parade.	City of Boca Raton	Moving zone in New River and Intracoastal Waterway, Fort Lauderdale, Florida; from the C15 Canal in Fort Lauderdale to Hillsboro Inlet with 500 feet ahead of the lead parade vessel and 500 feet astern of the last participating parade vessel or within 50 feet on either side of the parade.
December—4th weekend.	Orange Bowl Youth Sailing Regatta.	Coral Reef Yacht Club	Southern Biscayne Bay inside of an area from the Rickenbacker Causeway southwest to Snapper Creek Canal south to Latitude 25°32′ N east to Soldier Key and northwest to Rickenbacker Causeway, Miami, Florida no closer than 500 ft from each vessel.
December—last weekend.	Coconut Grove Sailing Club Orange Bowl Regatta.	Coconut Grove Sailing Club.	Southern Biscayne Bay inside of an area from the Rickenbacker Causeway southwest to Snapper Creek Canal south to Latitude 25°32′ N east to Soldier Key and northwest to Rickenbacker Causeway, Miami, Florida no closer than 500 ft from each vessel.
Monthly—last weekend, Saturday and Sunday.	Biscayne Bay Racing Association Full Moon Regatta.	Biscayne Bay Yacht Racing Association.	Southern Biscayne Bay inside of an area from the Rickenbacker Causeway southwest to Snapper Creek Canal south to Latitude 25°32′00″ N east to Soldier Key and northwest to Rickenbacker Causeway, Miami, Florida no closer than 500 ft from each vessel.
		COTP Zone Key West	
January 1st	Blessing of the Fleet ..	Islamorada Charter Boat Assn.	From Whale Harbor Channel to Whale Harbor Bridge, Islamorada, Florida.
January through April—last Monday or Tuesday.	Wreckers Cup Races	Schooner Wharf Bar ..	Key West Harbor to Sand Key, Florida (Gulf of Mexico side)
January—3rd week, Monday–Friday.	Yachting Key West Race Week.	Premiere Racing, Inc	Inside the reef on either side of main ship channel, Key West Harbor Entrance, Key West, Florida.
February—1st Saturday.	The Bogey	Florida Bay Outfitters	Blackwater Sound (entire sound), Key Largo, Florida.
Februarary—1st Sunday.	The Bacall	Florida Bay Outfitters	Blackwater Sound (entire sound), Key Largo, Florida.
April—3rd weekend, Saturday–Sunday.	Miami to Key Largo Sailboat Race.	MYC Youth Sailing Foundation, Inc.	Biscayne Bay and Intracoastal Waterway from the Rickenbacker Causeway in Miami, Florida to Key Biscayne to Cape Florida to Soldier Key to Sands Key to Elliot Key to Two Stacks to Card Sound to Barnes Sound to Blackwater Sound in Key Largo, Florida no closer than 500 feet from each vessel.
April—last Friday	Conch Republic Navy Parade and Battle.	Sponsor: Conch Republic.	All waters approximately 150 yards offshore from Ocean Key Sunset Pier, Mallory Square and the Hilton Pier within the Key West Harbor.

TABLE 1 TO SEC. 100.701—Continued

Date	Event	Sponsor	Location
May—3rd weekend	Marathon Super Boat Grand Prix.	Super Boat International Productions, Inc.	All waters of Knight Key Channel, encompassing both the Gulf of Mexico side and the Atlantic Ocean side of the Seven Mile Bridge.
June—2nd weekend	FKCC Swim around Key West.	Florida Keys Community College.	Begin at Smather's Beach and swim the loop around the island back to the start approximately 50 yards offshore, Key West, Florida.
July—3rd Weekend, Saturday and Sunday.	The Easom Cup	South Eastern Ocean Racing Series (SEORS).	Caesar's Creek, Everglades City, Florida.
November—2nd week, Wednesday–Sunday.	Key West World Championship.	Super Boat International Productions, Inc.	In the Atlantic Ocean, off the tip of Key West, on the waters of the Key West Main Ship Channel, Key West Turning Basin, and Key West Harbor Entrance.
November—first weekend, Friday–Sunday.	U.S. Wake Board Championships.	Middle Keys Events Council.	Sombrero Beach, Marathon, Florida; between Sister Creek and Sister Rock to approximately 500 yards offshore from Sombrero Beach.
December—1st Thursday.	Boot Key Harbor Christmas Boat Parade.	Dockside Marina	Boot Key Harbor (entire harbor), Marathon, Florida.
December—2nd Sunday.	Key Colony Beach Holiday Boat Parade.	Key Colony Beach Community Assn.	Key Colony Beach, Marathon, Florida, between Vaca Cut Bridge and Long Key Bridge.
December—3rd Saturday.	Key Largo Boat Parade.	Key Largo Boat Parade.	From Channel Marker 41 on Dusenbury Creek in Blackwater Sound to tip of Stillwright Point in Blackwater Sound, Key Largo, Florida.
December—3rd Saturday.	Key West Lighted Boat Parade.	Schooner Wharf Bar ..	All waters between Christmas Tree Island and Coast Guard Station thru Key West Harbor to Mallory Square, approximately 35 yards from shore.
COTP Zone San Juan			
May—first Sunday	Half Ironman Triathlon	Sponsor: Project St. Croix, Inc.	St. Croix (Christiansted Harbor), U.S.V.I.: In the following position: PT1 on the shoreline at Kings Wharf at posn 17°44′51″ N 064°42′16″ W, thence north to PT2 at the southwest corner of Protestant Cay in posn 17°44′56″ N, 064°42′12″ W, then east along the shoreline to PT3 at the southeast corner of Protestant Cay in posn 17°44′56″ N, 064°42′08″ W, thence northeast to PT4 at Christiansted Harbor Channel Round Reef Northeast Junction Lighted Buoy RR in posn 17°45′24″ N, 064°41′45″ W, thence southeast to PT 5 at Christiansted Schooner Channel Lighted Buoy 5 in posn 17°45′18″ N, 064°41′43″ W, thence south to PT6 at Christiansted Harbor Channel Buoy 15 in posn 17°44′56″ N, 064°41′56″ W, thence to PT7 on the shoreline north of Fort Christiansvaem in posn 17°44′51″ N, 064°42′05″ W, thence west along the shoreline to PT1.
July 4th	Fireworks Display	Sponsor: St. John Festival & Cul., Org.	St. John (West of Cruz Bay/Northeast of Steven Cay), U.S.V.I. All waters from the surface to the bottom for a radius of 200 yards centered around position 18°19′ 55″ N, 064°48′ 06″ W.
July—3rd week, Sunday.	San Juan Harbor Swim.	Sponsor: Municipality of Catano.	San Juan Harbor, Puerto Rico PT1: La Puntilla Final, Coast Guard Base at posn 18°27′33″ N, 066°07′00″ W, then south to PT2: Catano Ferry Pier at posn 18°26′36″ N, 066°07′00″ W, then east along the Catano shoreline to PT3: Punta Catano at posn 18°26′40″ N, 066°06′48″ W, then north to PT4: Pier 1 San Juan at posn 18°27′40″ N, 066°06′49″ W, then back along the shoreline to origin at PT1.
December 31st	Fireworks St. Thomas, Great Bay.	Sponsor: Mr. Victor Laurenza, Pyrotecnico, New Castle, PA.	St. Thomas (Great Bay area), U.S.V.I.; All waters from the surface to the bottom for a radius of 600 feet centered around position 18°19′14″ N, 064°50′18″ W.
December—1st week ..	Christmas Boat Parade.	Sponsor: St. Croix Christmas Boat Committee.	St. Croix (Christiansted Harbor), U.S.V.I.; 200 yards off-shore around Prostestant Cay beginning in posn 17°45′56″ N 064°42′16″ W, around the cay and back to the beginning position.
COTP Zone Charleston			
May—Morning Slack Tide on the 3rd and 4th Saturday.	Lowcountry Splash	Logan Rutledge	Cooper River/Charleston Harbor, South Carolina, including the waters of the Wando River, Cooper River, and Charleston Harbor from Hobcaw Yacht Club, in approximate position 32°49′32″ N, 079°53′81″ W, South along the coast of Mt. Pleasant, S.C., to Charleston Harbor Marina, approximate position 32°47′20″ N, 079°54′64″ W, and extending out 150 yards from shore.
June—2nd week	Beaufort Water Festival.	City of Beaufort	Beaufort, South Carolina, between the Lady's Island swing bridge and Spanish Point.
June–August—every Tuesday.	Shelter Cove Fireworks.	Greenwood Development Corp.	Shelter Cove, Hilton Head, South Carolina extending a radius of 600 feet from approximate position 32°11′10″ N, 080°43′54″ W.

TABLE 1 TO SEC. 100.701—Continued

Date	Event	Sponsor	Location
July 4th	Sea pines resort 4th of July.	Seapines Plantation	Harbortowne, Hilton Head, Calibogue Sound, South Carolina extending a radius of 600 feet from approximate position 32°11′10″ N, 080°43′54″ W.
	Patriots Point Fireworks.	Patriots Point	Charleston Harbor, South Carolina, extending a radius of 1000 feet from approximate position 32°47′01″ N, 079°53′8″ W.
	Skull Creek Fireworks	Hudson Seafood	Skull Creek, Hilton Head, South Carolina extending a radius of 1000 feet from the approximate position 32°13′57″ N, 080°45′06″ W.
	City of North Charleston Fireworks.	City of North Charleston.	Cooper River, Charleston, South Carolina extending a radius of 1000 feet from approximate position 32°51′57″ N, 079°57′35″ W.
	Market Street Fireworks.	City of Charleston	Charleston Harbor, South Carolina extending a radius of 1000 feet from center approximate position 32°54′01″ N, 080°08′05″ W.
November—2nd week	Head of the South	Augusta Rowing club	Upper Savannah River MM199 to MM196, Georgia.
December—2nd week	Charleston Harbor Christmas Parade of Boats.	City of Charleston	Charleston Harbor, South Carolina, from Anchorage A through Shutes Folly, Horse Reach, Hog Island Reach, Town Creek Lower Reach, Ashley River, and finishing at City Marina.
COTP Zone St. Petersburg			
January—3rd Saturday	Gasparilla Children's Parade Fireworks.	Event Makers	Hillsborough Bay within a 500 yard radius of the fireworks barge located in approximate position 27°55′04″ N, 082°29′08″ W.
	Gasparilla Children's Parade Air show.	Air Boss and Consulting.	Hillsborough Bay north of an imaginary line drawn at 27°55′ N, west of Davis Islands, and south of the Davis Island Bridge.
January—last Saturday	Gasparilla Boat Parade.	YE Mystic Krewe of Gasparilla.	Tampa Bay, Florida, including all waters of Hillsborough Bay and its tributaries north of a line drawn along latitude 27°51′18″ N. Hillsborough Cut "D" Channel, Sparkman Channel, Ybor Channel, Seddon Channel and the Hillsborough River south of the John F. Kennedy Bridge.
March—last Friday, Saturday, and Sunday.	Honda Grand Prix	Honda Motor Company and City of St. Petersburg.	Demons Landing St. Petersburg FL, All waters within 100 ft of the seawall.
	St. Pete Grand Prix Air show.	Honda Motor Company and City of St. Petersburg.	St. Petersburg FL, within two NM of the Albert Whitted Airport.
April—last Sunday	St. Anthony's Triathlon	St. Anthony's Health Care.	St. Petersburg within one NM of Spa Beach.
July 4th	Freedom Swim	None	Peace River FL within two NM of the U.S. 41 Bridge
July 4th and January 1st.	Ybor Fireworks Display.	Tampa Bay Attractions Association or various private entities.	Ybor Turning Basin within a 120 yard radius of the fireworks barge in approx. position 27°56′29″ N, 082°26′43″ W.
	Clearwater fireworks displays.	City of Clearwater	Gulf Intracoastal Waterway in the vicinity of Clearwater within a 500 yard radius of the fireworks barge located in approximate position 26°58′01″ N, 082°48′15″ W.
	Marco Island fireworks displays.	City of Marco Island	Gulf of Mexico in the vicinity of Marco Island within a 300 yard radius of the fireworks barge located in approximate position 25°54′36″ N, 081°45′06″ W.
	Venice fireworks displays.	City of Venice	Gulf of Mexico in the vicinity of Venice Inlet within a 200 yard radius of the fireworks barge located in approximate position 27°06′44″ N, 082°28′09″ W.
	Beach House Restaurant fireworks displays.	Beach House Restaurant.	Gulf of Mexico in the vicinity of Bradenton Beach within a 200 yard radius of the fireworks barge located in approximate position 27°27′59″ N, 082°41′58″ W.
	Ft Myers fireworks displays.	City of Ft Myers	Caloosahatchee River within a 300 yard radius of the fireworks barge located in approximate position 26°38′45″ N, 081°52′50″ W.
July—1st Sunday	Suncoast Offshore Grand Prix.	Suncoast Foundation for the Handicapped.	Gulf of Mexico in the vicinity of Sarasota, from New Pass to Siesta Beach out to eight NM.
September—3rd Friday, Saturday, and Sunday.	Homosassa Raft Race	Citrus 95 FM radio	Homosassa River Between Private Green Dayboard 81 east to private Red Dayboard 2.
October—2nd Friday, Saturday, and Sunday.	St Petersburg Airfest	City of St Petersburg	St Petersburg, within two NM of the Albert Whitted Airport.
November—3rd Thursday, Friday, and Saturday.	Ironman World Championship Triathlon.	City of Clearwater & Ironman North America.	Gulf of Mexico within two NM of Clearwater Beach FL.
COTP Zone Savannah			
May—2nd weekend, Sunday.	Blessing of the Fleet—Brunswick.	Knights of Columbus—Brunswick.	Brunswick River from the start of the East branch of the Brunswick River (East Brunswick River) to the Golden Isles Parkway Bridge.
May—2nd or 3rd weekend.	Grand Prix of Augusta	Champboat Series, LLC.	Savannah River, Augusta, Georgia, from the U.S. Highway 1 (Fifth Street) Bridge at mile 199.45 to Eliot's Fish Camp at mile 197.

TABLE 1 TO SEC. 100.701—Continued

Date	Event	Sponsor	Location
July 4th	Fourth of July Fireworks.	Savannah Waterfront Association.	Savannah River, Savannah Riverfront, Georgia, 500 feet around fireworks launch point centered at approximate position 32°04′56″ N, 081°05′02″ W.
July—3rd full weekend	Augusta Southern Nationals Drag Boat Races.	Augusta Southern Nationals.	Savannah River, Augusta, Georgia, from the U.S. Highway 1 (Fifth Street) Bridge at mile 199.45 to Eliot's Fish Camp at mile 197.
October—3rd or 4th weekend or November—1st weekend.	Champboat Races of Savannah.	Champboat Series, LLC.	Savannah River, Savannah Riverfront, Georgia, Talmadge bridge to a line drawn at 146 degrees true from dayboard 62.
November—1st Saturday after Thanksgiving Day.	Savannah Harbor Boat Parade of Lights and Fireworks.	Westin Resort, Savannah.	Savannah River, Savannah Riverfront, Georgia, Talmadge bridge to a line drawn at 146 degrees true from dayboard 62.
December 31st	New Years Eve Fireworks.	Savannah Waterfront Association.	Savannah River, Savannah Riverfront, Georgia, 500 feet around fireworks launch point centered at approximate position 32°04′56″ N, 081°05′02″ W.
Monthly—first Friday	First Friday of the Month Fireworks.	Savannah Waterfront Association.	Savannah River, Savannah Riverfront, Georgia, 500 feet around fireworks launch point centered at approximate position 32°04′56″ N, 081°05′02″ W.
COTP Zone Jacksonville			
February—1st weekend, Friday–Monday.	Clay County Super Celebration.	Reynolds Park Yacht Club.	Reynolds Park Yacht Club (entire club), Green Cove Springs.
February—last Saturday.	El Cheapo Sheepshead Tournament.	Jacksonville Offshore Sport Fishing Club.	Mayport/Jacksonville Boat Ramp; 500 feet seaward of the boat ramp.
March—1st Saturday	Jacksonville Invitational (Rowing Race).	Stanton Rowing Foundation (May vary).	Ortega River Race Course, Jacksonville; between Timuquana and Roosevelt Bridges.
	Stanton Invitational (Rowing Race).	Stanton Rowing Foundation.	Ortega River Race Course, Jacksonville; between Timuquana and Roosevelt Bridges.
March or April—Palm Sunday.	Blessing of the Fleet—Jacksonville.	City of Jacksonville Office of Special Events.	St. Johns River, Downtown Jacksonville in the vicinity of Jacksonville Landing between the Main Street Bridge and Acosta Bridge.
	Blessing of the Fleet—St. Augustine.	City of St. Augustine	St. Augustine Municipal Marina (entire marina).
April—1st Full Weekend, Saturday and Sunday.	Mount Dora Yacht Club Sailing Regatta.	Mount Dora Yacht Club.	Lake Dora, Mount Doran—500 ft. off Grantham Point.
April—3rd Saturday	Jacksonville City Championships.	Stanton Rowing Foundation.	Ortega River Race Course, Jacksonville; between Timuquana and Roosevelt Bridges.
April—3rd weekend	Florida Times Union Redfish Roundup.	The Florida Times-Union.	Sister's Creek Marina to Marker 88 on the St. John's River.
May—1st Friday	Isle of Eight Flags Shrimp Festival Pirate Landing and Fireworks.	City of Fernandina Beach.	Fernandina Harbor Marina (entire marina).
May—1st Saturday	Mug Race	The Rudder Club of Jacksonville, Inc.	St. Johns River; Palatka to Buckman Bridge.
May—4th Friday	Palatka Blue Crab Festival and Fireworks.	Palatka Blue Crab Festival.	All waters within a 500-yard radius around approximate position 29°38′37″ N, 081°37′50″ W.
May—4th weekend	Memorial Day RiverFest.	City of Green Cove Springs.	All waters within a 500-yard radius around approximate position 29°59′39″ N, 081°40′33″ W.
May—last full week, Monday–Friday.	Bluewater Invitational Tournament.	Northeast Florida Marlin Association.	There is a no-wake zone in effect from the St. Augustine City Marina out to the end of the St. Augustine Jetty's 6:00AM–8:00AM and 3:00PM–5:00PM during the above days.
May—last full weekend, Friday–Sunday.	Blue Crab Festival Ski Shows.	Downtown Palatka, Inc. & Palatka Blue Crab Festival, Inc.	St. Johns River, South of Memorial Bridge, Palatka.
June—1st Saturday of	Florida Sport Fishing Association Offshore Fishing Tournament.	Florida Sport Fishing Association.	From Sunrise Marina to the end of Port Canaveral Inlet.
June—1st weekend, Friday–Sunday.	Jetty Park Ocean Regatta.	Fleet 45 Space Coast Catamaran Association, Inc.	Jetty Park, Port Canaveral; All waters within a 1000-yard radius around approximate position 28°24′21″ N, 080°33′33″ W.
June—2nd weekend, Friday-Sunday.	St. Augustine King Buster Classic 400.	King Buster Classic, Inc.	St. Augustine Municipal Marina (entire marina).
June—4th Saturday	Veterans Day Celebration, Parade and Fireworks Display.	City of New Smyrna Beach.	All waters within a 500-yard radius around approximate position 29°03′N, 080°55′W.

TABLE 1 TO SEC. 100.701—Continued

Date	Event	Sponsor	Location
June—4th weekend, Thursday–Saturday.	Tournament of Champions Kingfish Tournament.	Nassau Sport Fishing Association.	Fernandina Harbor Marina (entire marina), Fernandina Beach.
June—2nd weekend, Saturday and Sunday.	Kingfish Challenge	Ancient City Game Fish Association.	There is a no-wake zone in effect from the St. Augustine City Marina out to the end of the St. Augustine Jetty's 6:00AM–8:00AM and 3:00PM–5:00PM.
July 4th	Cocoa 4th of July Fireworks.	City of Cocoa	All waters within a 500-yard radius around approximate position 28°20′22″ N, 080°31′27″ W.
	Daytona Beach Boardwalk Association July 4th Fireworks.	Daytona Beach Boardwalk Association.	All waters within a 500-yard radius around at approximate position 29°13′34″ N, 081°00′33″ W.
	Edgewater Fire Rescue Association Annual Fireworks Celebration.	Edgewater Fire Rescue Association.	All waters within a 500-yard radius around the pier at Kennedy Memorial Park, Edgewater, FL.
	Fernandina Beach 4th of July Fireworks.	City of Fernandina Beach / Fernandina Harbor Marina.	All waters within a 500-yard radius around approximate position 30°40′17″ N, 081°27′56″ W.
	Fireworks Display for Independence Day Celebration (Palatka).	City of Palatka/Downtown Palatka.	All waters within a 500-yard radius around approximate position 29°38′37″ N, 081°37′51″ W.
	Flagler Beach July 4th Celebration Fireworks.	Flagler Beach Chamber of Commerce.	All waters within a 500-yard radius around (the end of Flagler Beach Pier) approximate position 29°28′50″ N, 081°07′27″ W.
	Florida Yacht Club and Timuquana Country Club Fireworks Display.	Florida Yacht Club and Timuquana Country Club.	All waters within a 500-yard radius around approximate position 30°15′00″ N, 081°41′17″ W.
	Kissimmee July 4th Celebration Fireworks.	City of Kissimmee Parks and Recreation.	All waters within a 500-yard radius around approximate position 28°17′08″ N, 081°24′08″ W.
	Kiwanis Club of St. Marys Annual Fourth of July Festival Fireworks.	Kiwanis Club of St. Marys Georgia.	St. Marys River, St. Marys, GA; All waters within a 500-yard radius around approximate position 30°43′7″ N, 081°32′59″ W.
	Liberty Fest—4th of July Celebration (Jacksonville Beach).	City of Jacksonville Beach.	All waters within a 500-yard radius around approximate position 30°17′06″ N, 081°23′16″ W.
	Mount Dora Old Fashioned 4th of July Celebration.	Rotary Club of Mount Dora / Mount Dora Firefighter Association.	Lake Dora, Mount Dora—500 ft. off Grantham Point.
	Orange Park Independence Day Celebration Fireworks.	Town of Orange Park	All waters within a 500-yard radius around approximate position 30°10′20″ N, 081°42′20″ W.
	Ormond Beach Independence Day Celebration Fireworks.	City of Ormond Beach	All waters within a 500-yard radius around approximate position 29°17.2′N, 081°02.988′W.
	Patrick Air Force Base 4th of July Celebration and Fireworks.	Patrick Air Force Base	All waters within a 500-yard radius around approximate position 28°14′00″ N, 080°37′00″ W.
	Sanford's July 4th Celebration Fireworks.	City of Sanford	All waters within a 500-yard radius around the Monroe Harbor Marina.
	St. Augustine July 4th Fireworks Display.	City of St. Augustine ..	All waters within a 500-yard radius around approximate position 29°53′50.84″ N, 081°18′30.87″ W.
July—3rd Saturday	Halifax Rowing Association Summer Regatta.	Halifax Rowing Association.	Halifax River, Daytona, S. of Memorial Bridge—East Side.
July—3rd week	BellSouth Greater Jacksonville Kingfish Tournament.	Jacksonville Marine Charities, Inc.	All waters of the St. Johns River, from lighted buoy 10 (LLNR 2190) in approximate position 30°24′22″ N, 081°24′59″ W to Lighted Buoy 25 (LLNR 7305).
August—2nd week	Townsend Hawkes Ocean Swim.	Jacksonville Beaches Kiwanis Club.	50 ft. offshore from Jacksonville Beach to Sea Turtle Inn, Atlantic Beach.
December 31st	Jacksonville New Year's Eve Fireworks.	City of Jacksonville Office of Special Events.	St. Johns River; Westside of Main Street Bridge.
	St. Augustine Beach New Year's Eve Fireworks.	City of St. Augustine Beach.	All waters within a 500-yard radius approximate position 29°51′16″ N, 081°15′49″ W.

TABLE 1 TO SEC. 100.701—Continued

Date	Event	Sponsor	Location
December—2nd Saturday.	St. Johns River Christmas Boat Parade.	St. Johns River Christmas Boat Parade, Inc.	St. Johns River; Whitehair Bridge, Deland to Lake Beresford.
	Christmas Boat Parade (Daytona Beach / Halifax River).	Halifax River Yacht Club.	Halifax River from Seabreeze Bridge to Halifax Harbor Marina.
	Kissimmee Holiday Extravaganza Fireworks.	City of Kissimmee Parks and Recreation.	Kissimmee Lakefront Park; All waters within a 500-yard radius around approximate position 28°17′13″ N, 081°24′13″ W.

§ 100.709 [Removed]

■ 3. Remove § 100.709.

§ 100.710 [Removed]

■ 4. Remove § 100.710.

§ 100.714 [Removed]

■ 5. Remove § 100.714.

§ 100.715 [Removed]

■ 6. Remove § 100.715.

§ 100.716 [Removed]

■ 6. Remove § 100.716.

§ 100.721 [Removed]

■ 7. Remove § 100.721.

§ 100.722 [Removed]

■ 8. Remove § 100.722.

§ 100.723 [Removed]

■ 9. Remove § 100.723.

§ 100.730 [Removed]

■ 10. Remove § 100.730.

§ 100.731 [Removed]

■ 11. Remove § 100.731.

§ 100.733 [Removed]

■ 12. Remove § 100.733.

§ 100.735 [Removed]

■ 13. Remove § 100.735.

Dated: January 10, 2008.

D.W. Kunkel,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. E8–1236 Filed 1–24–08; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 110

[Docket Number CGD11–04–002]

RIN 1625–AA01

Anchorage Regulation; San Francisco Bay, CA

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a temporary anchorage area, designated Anchorage 8A, adjacent to existing Anchorage 8 that can be activated by Coast Guard Vessel Traffic Services (VTS) when the number of vessels requesting to anchor in Anchorages 8 and 9 exceeds the capacity of these two anchorages. Anchorage 8A may also be utilized during any emergency situation. This rule defines its use and location, and establishes procedures for activating the anchorage area and notifying the maritime public.

DATES: This rule is effective February 25, 2008.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD11–04–002 and are available for inspection or copying at Waterways Safety Branch, Sector San Francisco, 1 Yerba Buena Island, San Francisco, California 94130, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Eric Ramos, U.S. Coast Guard Sector San Francisco, Waterways Safety Branch at telephone (415) 399–7443.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We published a notice of proposed rulemaking (NPRM) entitled ''Anchorage Regulation; San Francisco Bay, CA'' in the **Federal Register** on April 1, 2004 (69 FR 17119), under docket number CGD11–04–002. Based on the three comments received, we reduced the size of the originally proposed Anchorage 8A, and the Coast Guard decided to resubmit the proposal to the public for further consideration.

We published a supplemental notice of proposed rulemaking (SNPRM) entitled ''Anchorage Regulation; San Francisco Bay, CA'' in the **Federal Register** on October 11, 2007 (72 FR 57901). We received no comments in response to the SNPRM. No public meeting was requested at any time in the rulemaking process, and none was held.

Background and Purpose

Anchorage 8A is necessary due to the trend toward larger ships arriving in San Francisco Bay, the growth of faster Marine Transportation Systems, increased large vessel traffic, and increased use of Anchorages 8 and 9 in San Francisco Bay. In addition to more vessels needing to anchor while awaiting the departure of other vessels at berth, periodic labor strikes and disputes have caused delays in the turnaround time of cargo, and filled Anchorages 8 and 9 to capacity.

Discussion of Comments and Changes

The Coast Guard received the following comments in response to the NPRM. The San Francisco Bay Conservation and Development Commission (BCDC) requested that a consistency determination be submitted evaluating the proposal in relation to BCDC Coastal Zone Management Policies. A 15 CFR 930.35 Negative Determination was submitted to BCDC on September 18, 2006. In a letter dated October 17, 2006, BCDC suggested that the Coast Guard consult with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) regarding threatened or endangered species. A biological

evaluation was submitted to the USFWS and NMFS on November 21, 2006.

On December 4, 2006, USFWS copied the Coast Guard on a 2004 memorandum in which they found that proposed Anchorage 8A could adversely affect the endangered California least tern (Stern antillarum browni). The Coast Guard redefined the size and configuration of the proposed anchorage based on consultation with USFWS. As a result, USFWS concurred with the Coast Guard's determination of ''not likely to adversely affect'' as described below. BCDC also concurred that the proposed action would be consistent with their Amended Coastal Zone Management Program for San Francisco Bay.

NMFS wrote to the Coast Guard on June 4, 2007, that ''based on the best available scientific information, the NMFS has determined that the proposed project is not likely to adversely affect listed salmonids or green sturgeon,'' populations which are listed as threatened or endangered under the Endangered Species Act and which may be present in the proposed Anchorage 8A area.

Based on those comments, we reduced the size of proposed Anchorage 8A. The NPRM originally proposed that Anchorage 8A be bounded by the following lines: Beginning at latitude 37°47′35.5″ N and longitude 122°21′50″ W; thence south-southwesterly to latitude 37°47′05″ N and longitude 122°22′07.5″ W; thence south-southeasterly to latitude 37°46′30″ N and longitude 122°21′56″ W; thence easterly along the northern border of Anchorage 9 to latitude 37°46′21.5″ N and longitude 122°19′07″ W; thence northerly to latitude 37°46′34.5″ N and longitude 122°19′05.5″ W; thence westerly to latitude 37°46′36.5″ N and longitude 122°19′52″ W; thence westerly along the southern border of Anchorage 8 to latitude 37°45′40″ N and longitude 122°21′23″ W; thence northwesterly along the southwestern border of Anchorage 8 back to the beginning point (NAD 83). The proposed perimeter of the original size of Anchorage 8A was approximately six and one-half nautical miles.

The SNPRM proposed that the new perimeter of Anchorage 8A be approximately four nautical miles and bounded by the following lines: Beginning at latitude 37°47′35″ N and longitude 122°21′50″ W; thence south-southwesterly to latitude 37°47′07″ N and longitude 122°22′09″ W; thence south-southeasterly to latitude 37°46′30″ N and longitude 122°21′57″ W; thence easterly along the northern border of Anchorage 9 to latitude 37°46′26″ N and longitude 122°20′42″ W; thence northerly to latitude 37°46′38″ N and longitude 122°20′42″ W; thence westerly along the southern border of Anchorage 8 to latitude 37°46′41″ N and longitude 122°21′23″ W; thence northwesterly along the southwestern border of Anchorage 8 back to the beginning point (NAD 83). The Coast Guard received no comments in response to the SNPRM.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

The effect of this regulation will not be significant because the anchorage will only be used when unusual circumstances require that it be activated, recreational traffic can still traverse the anchorage area when necessary, and the temporary anchorage area only takes up a small portion of San Francisco Bay. In addition, this temporary anchorage area has been used twice in the past to accommodate vessels during labor disputes that resulted in Anchorages 8 and 9 being filled to capacity.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will not have a significant economic impact on a substantial number of small entities for the reasons discussed in the Regulatory Evaluation above.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that Order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(f), of the Instruction, from further environmental documentation because it establishes an anchorage ground.

A final ''Environmental Analysis Check List'' and a final ''Categorical Exclusion Determination'' are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Words of Issuance and Regulatory Text

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 110 as follows:

PART 110—ANCHORAGE REGULATIONS

■ 1. Revise the authority citation for part 110 to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, 2071; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. In § 110.224–

■ a. In paragraph (d), amend Table 110.224(D)(1) by adding an entry for ''8A'' and adding a new paragraph ''n'' to the Notes section immediately following the table, and;

■ b. In paragraph (e), re-designate paragraphs (e)(6) through (21) as paragraphs (e)(7) through (22), and add new paragraph (e)(6) to read as follows:

§ 110.224 San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, Sacramento River, San Joaquin River, and connecting waters, CA.

* * * * *

(d) * * *

TABLE 110.224(D)(1)

Anchorage No.	General location	Purpose	Specific regulations
*	*	*	*
8A	...do	...do	Notes a, b, c, d, e, j, n.
*	*	*	*

Notes: * * *

n. This temporary anchorage will be activated by VTS San Francisco when Anchorages 8 and 9 are at capacity and additional anchorage capacity in the vicinity of Alameda is required. VTS will notify a vessel that this temporary anchorage is activated and available for use when Anchorages 8 and 9 are full, and a vessel requests permission from VTS to anchor in Anchorage 8 or 9.

(e) * * *

(6) *Anchorage No. 8A.* In San Francisco Bay bounded by the following lines: Beginning at latitude 37°47′35″ N and longitude 122°21′50″ W; thence south-southwesterly to latitude 37°47′07″ N and longitude 122°22′09″ W; thence south-southeasterly to latitude 37°46′30″ N and longitude 122°21′57″ W; thence easterly along the northern border of Anchorage 9 to latitude 37°46′26″ N and longitude 122°20′42″ W; thence northerly to latitude 37°46′38″ N and longitude 122°20′42″ W; thence westerly along the southern border of Anchorage 8 to latitude 37°46′41″ N and longitude 122°21′23″ W; thence northwesterly along the southwestern border of Anchorage 8 back to the beginning point (NAD 83).

* * * * *

Dated: December 20, 2007.

C.E. Bone,

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. E8–1250 Filed 1–24–08; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[USCG–2008–0015]

RIN 1625–AA09

Drawbridge Operation Regulations; Potomac River, Between Maryland and Virginia

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Fifth Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the new Woodrow Wilson Memorial (I–95) Bridge, mile 103.8, across Potomac River between Alexandria, Virginia and Oxon Hill, Maryland. This deviation will allow the contractor to complete commissioning and final testing for the new Woodrow Wilson Bridge construction project. This deviation allows the new drawbridge to remain closed-to-navigation each day from 10 a.m. to 2 p.m. beginning on January 26, 2008 until and including March 1, 2008.

DATES: This deviation is effective from 10 a.m. on January 26, 2008, until 2 p.m. on March 1, 2008.

ADDRESSES: Materials referred to in this document are available for inspection or copying at Commander (dpb), Fifth Coast Guard District, Federal Building, 1st Floor, 431 Crawford Street, Portsmouth, VA 23704–5004 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (757) 398–6222. Commander (dpb), Fifth Coast Guard District maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: Waverly W. Gregory, Jr., Bridge Administrator, Fifth Coast Guard District, at (757) 398–6222.

SUPPLEMENTARY INFORMATION: In June 2006, the southernmost portion of the bascule spans for the new Woodrow Wilson Memorial Bridge, at mile 103.8, across Potomac River between Alexandria, Virginia and Oxon Hill, Maryland was publicly placed into service, switching I–95 Northbound traffic onto the new Outer Loop portion of the bridge. The newly-constructed portion of the bridge will be required to open for vessels in accordance with the current drawbridge operating regulations set out in 33 CFR 117.255(a).

While the drawbridge is operational, coordinators for the construction of the new Woodrow Wilson Bridge Project indicated that the bascule span is not yet fully commissioned and cannot run at full speed, resulting in extended Interstate 95/495 traffic stoppages during openings. Opening the new bascule span for a vessel at this time would take approximately 45 minutes in a best case scenario. This has the potential to have a significant impact upon I–95 traffic, especially during the 10 a.m. to 2 p.m. bridge-opening time frame currently available for commercial vessels, in accordance with 33 CFR 117.255(a).

Coordinators requested a temporary deviation from the current operating regulation for the new Woodrow Wilson Memorial (I–95) Bridge set out in 33 CFR 117.255(a).

Though good progress has been made regarding commissioning of the north and south drawbridges (both now carrying I–95 vehicle traffic), the coordinators are requesting this deviation from the normal 10 a.m. to 2 p.m. opening period, to proceed with commissioning activities through March 1, 2008. From a river-user standpoint, the coordinators have received no requests from boaters or mariners for a bridge opening during the 10 a.m. to 2 p.m. timeframe since the passage of the tall ship ''Gloria'' in July 2007.

The coordinators requested that the new drawbridge not be available for openings for vessels each day between the hours of 10 a.m. to 2 p.m. from Saturday, January 26, 2008 through Saturday, March 1, 2008. The temporary deviation will only affect vessels with mast heights of 75 feet or greater. Management of the Federal and auxiliary channels will continue to be closely coordinated between the coordinators for the construction of the new Woodrow Wilson Bridge Project, the Coast Guard and vessels requesting transit through the construction zone. Furthermore, all affected vessels with mast heights greater than 75 feet will be able to receive an opening of the new drawbridge in the ''off-peak'' vehicle traffic hours (evening and overnight) in accordance with 33 CFR 117.255(a). Maintaining the new drawbridge in the closed-to-navigation position each day from 10 a.m. to 2 p.m. on January 26, 2008 through March 1, 2008, will help reduce the impact to vehicular traffic during this phase of the new bridge construction.

The Coast Guard has informed the known users of the waterway of the closure period for the bridge so that these vessels can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: January 14, 2008.

Waverly W. Gregory, Jr.,

Chief, Bridge Administration Branch, Fifth Coast Guard District.

[FR Doc. E8–1240 Filed 1–24–08; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[USCG–2008–0018]

Drawbridge Operation Regulations; Elizabeth River—Eastern Branch, at Norfolk, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Fifth Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the Norfolk Southern Railroad Bridge, at mile 2.7, across the Elizabeth River—Eastern Branch at Norfolk, VA. This deviation allows the drawbridge to remain closed-to-navigation beginning at 7 a.m. on Monday, February 4, 2008 until and including 6 p.m. on Saturday, March 8, 2008, to facilitate rehabilitation of the operating machinery of the swing span.

DATES: This deviation is effective from 7 a.m. on February 4, 2008 to 6 p.m. on March 8, 2008.

ADDRESSES: Materials referred to in this document are available for inspection or copying at Commander (dpb), Fifth Coast Guard District, Federal Building, 1st Floor, 431 Crawford Street, Portsmouth, VA 23704–5004 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (757) 398–6222. Commander (dpb), Fifth Coast Guard District maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: Bill H. Brazier, Bridge Management Specialist, Fifth Coast Guard District, at (757) 398–6422.

SUPPLEMENTARY INFORMATION: The Norfolk Southern Railroad Bridge (NS#

V2.8 Bridge), a swing-type drawbridge, has a vertical clearance in the closed position to vessels of six feet, above mean high water.

Norfolk Southern Railways, the bridge owner, has requested a temporary deviation from the current operating regulations set out in 33 CFR 117.1007(a).

To facilitate the repairs to the operating machinery, the NS# V2.8 Bridge will be maintained in the closed-to-navigation position beginning at 7 a.m. on Monday, February 4, 2008 until and including 6 p.m. on Saturday, March 8, 2008.

The Coast Guard has informed the known users of the waterway of the closure periods for the bridge so that these vessels can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period.

This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: January 11, 2008.

Waverly W. Gregory, Jr.,

Chief, Bridge Administration Branch, Fifth Coast Guard District.

[FR Doc. E8–1246 Filed 1–24–08; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[EPA–R05–OAR–2007–1198; FRL–8521–3]

State Operating Permit Programs; Ohio; Revisions to the Acid Rain Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve, as a revision to Ohio's operating permits program, revisions to Ohio's Acid Rain Permits and Compliance Rules found in Chapter 3745–103 of the Ohio Administrative Code (OAC). The changes made to Ohio's OAC 3745–103 Rules include rules for phase II acid rain permits and new information on items incorporated by reference. EPA granted full approval of Ohio's operating permits program on August 15, 1995, which became effective on October 1, 1995. On March 23, 2007 Ohio submitted the revised acid rain rules to EPA for approval. This **Federal Register** notice approves these revised acid rain rules into Ohio's Title V operating permits program.

DATES: This direct final rule will be effective on March 25, 2008, unless EPA receives adverse comments by February 25, 2008. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2007–1198, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- E-mail: *blakley.pamela@epa.gov.*
- Fax: (312) 886–5824.
- Mail: Pamela Blakley, Chief, Air Permits Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.
- Hand Delivery: At the previously-listed EPA Region 5 address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R05–OAR–2007–1198. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Richard Angelbeck, (312) 886–9698, or by e-mail at *angelbeck.richard@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. What is being addressed in this document?

The Clean Air Act (Act) requires all state and local permitting authorities to develop operating permits programs that meet the requirements of Title V of the Act, 42 U.S.C. 7661–7661(f), and its implementing regulations, 40 CFR part 70 (part 70). EPA fully approved Ohio's Title V operating permits program on August 15, 1995 (60 FR 42045). On December 19, 1996, EPA promulgated a final rule (61 FR 67111) for the second phase of the Nitrogen Oxides Program under Title IV of the Act. The Ohio Environmental Protection Agency (OEPA) revised its acid rain rules in OAC Chapter 3745–103. The revised acid rain rules became effective on June 27, 2002.

On October 2, 2002, OEPA submitted to EPA the revised acid rain rules for approval into the Ohio Title V operating permits program. On November 27, 2002, EPA provided to OEPA comments on the acid rain rules. In response to EPA's comments, and pursuant to a five-year mandatory rule review, OEPA again revised its acid rain rules, which became effective on January 12, 2007. On March 23, 2007, OEPA submitted to EPA these new and revised acid rain rules as a revision to Ohio's fully approved Title V operating permits program.

II. What are the program changes that EPA is approving?

On June 27, 2002 OEPA revised its acid rain rules in OAC chapter 3745–103 to include rules for Phase II acid rain permits. On May 12, 2005, EPA published amendments to the final acid rain rules (70 FR 25334), listing criteria for the state operating permit program (40 CFR 72.72) and requirements for the state issuance of Phase II permits (40 CFR 72.73). These requirements became effective July 1, 2006. OEPA was required to adopt these rules as part of its acid rain program. On January 12, 2007, OEPA again revised its acid rain rules in response to EPA comments on the June 27, 2002 rules, and also to correct typos, rule language formatting issues, and to add information on items incorporated by reference.

EPA has determined that, because OEPA's amendments to its acid rain rules do not interfere with the operation of the acid rain program, they meet the criteria of 40 CFR 72.72. The State submission likewise complies with the provisions of 40 CFR 72.73, which requires that a state authorized to administer and enforce an operating permit program under part 70 must have a state acid rain program accepted by the Administrator, and that the state must be responsible for administering and enforcing acid rain permits effective in Phase II for all affected sources. Among other things, Ohio has demonstrated that (a) it had issued all Phase II acid rain permits on or before December 31, 1997, and (b) for units subject to an acid rain NO_X emissions limitation, on or before January 1, 1999, it had amended the acid rain permits as required by 40 CFR 72.83 to include any NO_X early election plan that was approved by the Administrator under 40 CFR 76.8.

EPA is approving, and incorporating into OEPA's Title V operating permits program, the following revisions to OEPA's acid rain rules: OAC rules 3745–103–01 to 3745–103–09, 3745–103–11 to 3745–103–63, 3745–103–65, and 3745–103–66. EPA is also approving into the Ohio Title V program new OAC rule 3745–103–43, and the rescission of OAC rules 3745–103–10, 3745–103–43, 3745–103–64, and 3745–103–67. The new 3745–103–43 rule replaced the prior rule of the same title because Ohio's rule-writing procedures require that changes to this rule be managed as a rescission followed by a replacement. OEPA rules 3745–103–10, 3745–103–64, and 3745–103–67 were rescinded because OEPA judged that rule language to be obsolete.

III. What action is EPA taking today?

EPA is approving into Ohio's Title V operating permits program the revision submitted by OEPA on March 23, 2007. EPA is taking this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the state plan if adverse comments are filed. This rule will be effective on March 25, 2008 without further notice unless EPA receives adverse comments by February 25, 2008. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect.

EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

IV. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (59 FR 22951, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal requirement, and does not alter the relationship or the distribution of power and responsibilities established in the Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it approves a state rule implementing a Federal standard.

In reviewing State Implementation Plan (SIP) submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, et seq.)

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States

Court of Appeals for the appropriate circuit by March 25, 2008. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action approves changes to Ohio's Title V operating permits program and may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the Act.)

Lists of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Reporting and recordkeeping requirements, Incorporation by reference, Nitrogen dioxide, and Sulfur oxides.

Dated: January 15, 2008.

Margaret Guerriero,

Acting Regional Administrator, Region 5.

■ 40 CFR part 70 is amended as follows:

PART 70—[AMENDED]

■ 1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

■ 2. Appendix A to part 70 is amended by adding paragraph (c) in the entry for Ohio to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Ohio

* * * * *

(c) The Ohio Environmental Protection Agency submitted an operating permits program amendment on March 23, 2007. The program amendment contained in the March 23, 2007 submittal will update Ohio's existing Acid Rain program. The state is hereby granted approval effective on March 25, 2008.

* * * * *

[FR Doc. E8–1320 Filed 1–24–08; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 13 and 80

[WT Docket No. 00–48; FCC 06–129]

Maritime Communications

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission or FCC) furthers its ongoing efforts to ensure that its rules governing the Maritime Radio Services continue to promote maritime safety, maximize effective and efficient use of the spectrum available for maritime communications, accommodate technological innovation, avoid unnecessary regulatory burdens, and maintain consistency with international maritime standards to the extent consistent with the United States public interest. The Commission also seeks in this proceeding to ensure that it regulates the Maritime Radio Services in a manner that advances our nation's homeland security.

DATES: This regulation is effective March 25, 2008. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of March 25, 2008.

FOR FURTHER INFORMATION CONTACT: Jeffrey Tobias, *Jeff.Tobias@FCC.gov*, Wireless Telecommunications Bureau, (202) 418–1617, or TTY (202) 418–7233.

SUPPLEMENTARY INFORMATION: This is a summary of the Federal Communications Commission's *Memorandum Opinion and Order* and *Third Report and Order* in WT Docket No. 00–48, FCC 06–129, adopted on August 29, 2006, and released on September 8, 2006. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC 20554. The complete text may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554. The full text may also be downloaded at: *http://www.fcc.gov*. Alternative formats are available to persons with disabilities by sending an e-mail to *http://fcc504@fcc.gov* or by calling the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

1. The WT Docket No. 00–48 rulemaking proceeding was established to develop rules for domestic implementation of the Global Maritime Distress and Safety System (GMDSS), a ship-to-shore and ship-to-ship distress communications system using satellite and digital selective calling (DSC) technology. The *Memorandum Opinion and Order* (MO&O) in WT Docket No. 00–48 addresses the petitions for reconsideration of the *Report and Order* in this proceeding. The Commission takes the following significant actions in the *MO&O* in WT Docket No. 00–48: (i) Clarifies that applicants for a GMDSS Radio Operator's License do not have to take an Element 1 examination if they have received a Proof of Passing Certificate (PPC) based on completion of a Coast Guard-approved training course; (ii) clarifies the requirement of ship radio station operators to relay distress alerts from other ships that are not promptly acknowledged by a coast station; (iii) removes the sunset date for the Channel 16 watch requirement; (iv) relieves vessels that have upgraded to MF-DSC equipment of the requirement to maintain a watch on the frequency 2182 kHz; (v) modifies the requirements for station logs; and (vi) permits routine calling on DSC frequencies.

2. The Commission takes the following significant actions in the *Third Report and Order* in WT Docket No. 00–48: (i) Requires, after prescribed transition periods, that DSC equipment comply with the more rigorous technical standards recently established for such equipment by international bodies; (ii) adds the INMARSAT Fleet F77 ship earth station to the list of satellite earth stations that may be used in lieu of single sideband (SSB) radios by ships operating more than one hundred nautical miles from shore; (iii) mandates that additional classes of small passenger vessels carry a reserve power source to better ensure against loss of communications capabilities during distress situations; (iv) extends the license term for GMDSS Radio Operator's Licenses, Restricted GMDSS Radio Operator's Licenses, GMDSS Radio Maintainer's Licenses, GMDSS Operator/Maintainer Licenses, and Marine Radio Operator Permits to the lifetime of the holder; (v) relaxes certain rules to give both the Commission and commercial operator license examination (COLE) managers additional flexibility in administering the license examination process; (vi) adopts rules to regulate Ship Security Alert System (SSAS) beacons designed to operate with the COSPAS-SARSAT satellite system, and to authorize use of Inmarsat D+ equipment as an additional accommodation of SSAS operations; and (vii) permits the programming of channels in maritime radio transmitters through remote control.

I. Procedural Matters

A. Paperwork Reduction Act Analysis

3. This document contains a modified information collection requirement subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It was submitted and approved by Office of Management and Budget (OMB) for

review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies were invited to comment on the new or modified information collection requirements contained in this proceeding. In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), we previously sought specific comment on how the Commission might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

4. In this present document, we have assessed the effects of amending § 80.409(e) of the Commission's rules to reduce the types of distress communications that must be entered into logs by ship station operators, and find that this relaxation of the log-keeping requirement will benefit businesses with fewer than 25 employees by allowing such businesses that own or operate vessels to devote fewer resources to log-keeping. Most significantly, this reduction of an existing information collection requirement will permit the employee charged with making log entries to devote more of his or her time to other tasks that will enhance the navigational safety of the vessel.

B. Report to Congress

5. The Commission sent a copy of this *Memorandum Opinion and Order* and *Third Report and Order* in a report to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

C. Final Regulatory Flexibility Analysis

6. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Second Further Notice of Proposed Rule Making* at 69 FR 64664, November 8, 2004, in this proceeding (*Second FNPRM*). The Commission sought written public comment on the proposals in the *Second FNPRM*, including comment on the IRFA. This present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

Need for, and Objectives of, the Report and Order

7. The rules adopted in the *Third Report and Order* are intended to streamline, consolidate and clarify the Commission's part 80 rules; remove unnecessary or duplicative requirements; address new international maritime requirements; promote flexibility and efficiency in the use of marine radio equipment; and further maritime safety. Specifically, in the *Third Report and Order* the Commission (a) requires that DSC equipment comply with the most recent international standards for such equipment; (b) adds the INMARSAT Fleet F77 earth station to the list of ship earth stations that may be carried in lieu of a single sideband radio by vessels operating more than 100 nautical miles from shore; (c) expands the types of small passenger vessels that are required to carry a reserve power supply; (d) extends the license terms of GMDSS Radio Operator's Licenses, Restricted GMDSS Radio Operator's Licenses, GMDSS Radio Maintainer Licenses, GMDSS Operator/Maintainer Licenses, and Marine Radio Operator Permits from five years to the lifetime of the holder; (e) modifies the requirement that commercial operator license examination (COLE) managers use only the most recent question pool available to the public; (f) removes regulatory language specifying the specific number of questions to be used for each examination element; (g) adopts rules authorizing COSPAS–SARSAT and INMARSAT D+ equipment for use in the Ship Security Alert System; (h) updates references to international standards; (i) makes certain on-board frequencies available for narrowband operations; (j) permits remote control programming of maritime radio transmitters; (k) declines to eliminate limits on emission designators on non-distress frequencies; (l) declines to remove rules pertaining to Morse code radiotelegraphy; (m) declines to take action on certain proposals regarding frequency allotments and limitations for ship facsimile communications, radiotelephone public correspondence communications, and private maritime communications; and (n) adopts a number of non-substantive amendments to update and clarify the maritime radio service rules and correct typographical errors.

Summary of Significant Issues Raised by Public Comments in Response to the IRFA

8. No comments were submitted specifically in response to the IRFA. However, some commenters raised concerns about the effect that two of the rule changes might have on small entities. Specifically, the Passenger Vessel Association (PVA) and the North Pacific Marine Radio Council (NPMRC) expressed concern about the burden on small entities of being required to comply with the more rigorous international standards that have been developed for digital selective calling (DSC) radio equipment. In addition, the National Marine Charter Association (NMCA) and PVA expressed concern about the burden of having to carry a reserve power supply on small entities who own or operate small passenger vessels of less than 100 gross tons. We have considered the potential economic impact on small entities of these rules and the other rules discussed in the IRFA, and we have considered alternatives that would reduce the potential economic impact on small entities of the rules enacted herein, regardless of whether the potential economic impact was discussed in any comments.

Description and Estimate of the Number of Small Entities to Which Rules Will Apply

9. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

10. Small businesses in the aviation and marine radio services use a marine very high frequency (VHF), medium frequency (MF), or high frequency (HF) radio, any type of emergency position indicating radio beacon (EPIRB) and/or radar, an aircraft radio, and/or any type of emergency locator transmitter (ELT). The Commission has not developed a definition of small entities specifically applicable to these small businesses. For purposes of this FRFA, therefore, the applicable definition of small entity is the definition under the SBA rules applicable to wireless telecommunications. Pursuant to this definition, a ''small entity'' for purposes of the ship station licensees, public coast station licensees, or other marine radio users that may be affected by these rules, is any entity employing 1,500 or fewer persons. 13 CFR 121.201 (NAICS Code 517212).

11. Nationwide, there are a total of approximately 22.4 million small businesses, according to SBA data. A ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and

is not dominant in its field.'' Nationwide, as of 2002, there were approximately 1.6 million small organizations. The term ''small governmental jurisdiction'' is defined generally as ''governments of cities, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' Census Bureau data for 2002 indicate that there were 87,525 local governmental jurisdictions in the United States. We estimate that, of this total, 84,377 entities were ''small governmental jurisdictions.'' Thus, we estimate that most governmental jurisdictions are small.

12. *Wireless Service Providers.* The SBA has developed a small business size standard for wireless firms within the two broad economic census categories of ''Paging'' and ''Cellular and Other Wireless Telecommunications.'' Under both categories, the SBA deems a wireless business to be small if it has 1,500 or fewer employees. For the census category of Paging, Census Bureau data for 2002 show that there were 807 firms in this category that operated for the entire year. Of this total, 804 firms had employment of 999 or fewer employees, and three firms had employment of 1,000 employees or more. Thus, under this category and associated small business size standard, the majority of firms can be considered small. For the census category of Cellular and Other Wireless Telecommunications, Census Bureau data for 2002 show that there were 1,397 firms in this category that operated for the entire year. Of this total, 1,378 firms had employment of 999 or fewer employees, and 19 firms had employment of 1,000 employees or more. Thus, under this second category and size standard, the majority of firms can, again, be considered small.

13. *VHF Public Coast Stations.* Some of the rules adopted herein affect VHF public coast station licensees. The Commission has defined the term ''small entity'' specifically applicable to public coast station licensees as any entity employing less than 1,500 persons, based on the definition under the Small Business Administration rules applicable to radiotelephone service providers. *See* Amendment of the Commission's Rules Concerning Maritime Communications, *Third Report and Order and Memorandum Opinion and Order*, 13 FCC Rcd 19853, 19893 (1998) (citing 13 CFR 121.201, Standard Industrial Classification (SIC) Code 4812, now NAICS Code 513322).

14. *Marine Radio Equipment Manufacturers.* Some of the rules adopted herein may also affect small businesses that manufacture marine radio equipment. The Commission has not developed a definition of small entities applicable to marine radio equipment manufacturers. Therefore, the applicable definition is that for Wireless Communications Equipment Manufacturers. The Census Bureau defines this category as follows: ''This industry comprises establishments primarily engaged in manufacturing radio and television broadcast and wireless communications equipment. Examples of products made by these establishments are: transmitting and receiving antennas, cable television equipment, GPS equipment, pagers, cellular phones, mobile communications equipment, and radio and television studio and broadcasting equipment.'' The SBA has developed a small business size standard for Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing, which is: all such firms having 750 or fewer employees. According to Census Bureau data for 2002, there were a total of 1,041 establishments in this category that operated for the entire year. Of this total, 1,010 had employment of under 500, and an additional 13 had employment of 500 to 999. Thus, under this size standard, the majority of firms can be considered small.

15. Small businesses in the aviation and marine radio services use a very high frequency (VHF) marine or aircraft radio and, as appropriate, an emergency position-indicating radio beacon (and/or radar) or an emergency locator transmitter. The Commission has not developed a small business size standard specifically applicable to these small businesses. For purposes of this analysis, the Commission uses the SBA small business size standard for the category ''Cellular and Other Wireless Telecommunications,'' which is 1,500 or fewer employees. Between December 3, 1998 and December 14, 1998, the Commission held an auction of 42 VHF Public Coast (VPC) licenses in the 157.1875–157.4500 MHz (ship transmit) and 161.775–162.0125 MHz (coast transmit) bands. For purposes of the auction, the Commission defined a ''small'' business as an entity that, together with controlling interests and affiliates, has average gross revenues for the preceding three years not to exceed fifteen million dollars. In addition, a ''very small'' business is one that, together with controlling interests and affiliates, has average gross revenues for the preceding three years not to exceed three million dollars. There are approximately 10,672 licensees in the Marine Coast Service, and the Commission estimates that almost all of them qualify as ''small'' businesses under the above special small business size standards.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

16. In the *Third Report and Order*, we adopt two rule amendments that may affect reporting, recordkeeping and other compliance requirements for small entities. First, we amend § 80.225 of the rules to require that DSC equipment comply with more rigorous technical standards adopted by international bodies, ITU-R Recommendation M.493–11, ITU-R Recommendation M.541–9, and, in the case of Class D DSC radio equipment, IEC 62238. This rule amendment could affect small entities that manufacture DSC equipment or that own or operate vessels required to carry DSC equipment. Second, we amend § 80.917 of the rules to extend a pre-existing requirement for carriage of a reserve power supply to (a) small passenger vessels of less than 100 gross tons that carry more than 150 passengers or have overnight accommodations for more than forty-nine persons, and (b) small passenger vessels of less than 100 gross tons that operate on the high seas or more than three miles from shore on Great Lakes voyages. This extension of the reserve power supply requirement could affect small entities that own or operate small passenger vessels newly subject to the requirement.

17. In the IRFA accompanying the *Second FNPRM*, we specifically identified each of the above rule amendments as potentially affecting reporting, recordkeeping and other compliance requirements, and specifically requested comment on the economic impact of these changes.

Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

18. The RFA requires an agency to describe any significant alternatives that it has considered in developing its approach, which may include the following four alternatives (among others): ''(1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption

from coverage of the rule, or any part thereof, for such small entities.''

19. Although we received no comments specifically addressed to the IRFA for the *Second FNPRM*, we have considered all comments to the *Second FNPRM* addressing the impact of any proposed change on small entities and all suggestions for alternative measures that would have a less significant impact on small entities. Moreover, even where we received no comments of this nature with regard to a particular new requirement, we considered the potential impact of the requirement on small entities, and considered alternatives. As noted above, we have identified two new requirements that may affect reporting, recordkeeping and other compliance requirements for small entities. We discuss both of these new requirements adopted in the *Third Report and Order*, and relevant alternatives, below.

20. In determining to adopt more stringent requirements for DSC radio equipment, we carefully considered the impact of such action on small entities that manufacture or use such equipment. We ultimately concluded that we should not exempt any entities from compliance with the new DSC technical standards because indefinite reliance on equipment meeting the old standards could jeopardize the safety not only of passengers and crew on vessels using such equipment but also passengers and crew on other vessels. In addition to the undisputed safety benefits of DSC equipment meeting the new standards, we took into account record evidence indicating that the cost of such equipment is not excessive. Three commenters responded to the Commission's request for information on the compliance costs of this requirement, and their consensus view is that the retail cost of DSC equipment meeting the new standards is not more than $200, which is less than what DSC equipment meeting the earlier SC101 standard was retailing for just a few years ago. Moreover, we have provided affected entities with significant relief through a phase-in of the new requirements plus grandfathering protections. Specifically, the Commission will continue to accept applications for certification of non-handheld DSC equipment meeting the SC101 standard until one year after the effective date of these rule amendments. In addition, the Commission will continue to accept applications for certification of handheld DSC equipment meeting the SC101 standard for a full four years after the effective date of the new rules. With respect to grandfathering protection, we are permitting the continued manufacture, importation, sale and installation of non-handheld SC101 radio equipment until three years after the effective date of the new rules, and the continued manufacture, importation and sale of SC101 handheld units until seven years after the effective date. Finally, we are grandfathering indefinitely the use of any DSC equipment that was properly certified under the SC101 standard and placed in service prior to the expiration of the applicable three-year or seven-year grandfathering period; such equipment, therefore, may continue to be used until the end of its useful life. We conclude that these measures effectively mitigate the burden on small entities of complying with the new DSC standards, reasonably further the goals of the RFA, and allow a resolution of this matter that fairly balances the public interest in maritime safety with the public interest in reducing regulatory burdens on small entities.

21. We also carefully considered the impact on small entities of expanding the Section 80.917 requirement to carry a reserve power supply to additional classes of small passenger vessels. We have decided to expand this requirement because we believe that a reserve power supply ''can make a life-or-death difference for passengers and crew on board a passenger vessel in distress.'' We also have considered whether there are less costly alternatives to a reserve power supply that would be equally effective in addressing this safety concern. We conclude that no such less costly alternatives exist. However, in the interest of minimizing regulatory burdens on small entities, such as small charter boat operators, that own and operate small passenger vessels, we are not expanding the requirement to *all* small passenger vessels, although we did consider that option. Instead, we are expanding the reserve power supply requirement to those vessels where it will provide potentially the greatest value in terms of maritime safety—vessels with a relatively large passenger capacity and vessels that travel relatively great distances from shore—and where the costs can most readily be absorbed. Specifically we are extending the reserve power supply requirement to (a) small passenger vessels of less than 100 gross tons that carry more than 150 passengers or have overnight accommodations for more than forty-nine persons; and (b) small passenger vessels of less than 100 gross tons that carry not more than 150 passengers or have overnight accommodations for not more than forty-nine persons, *and* that are required to carry EPIRBs under the Coast Guard's Navigation and Vessel Inspection Circular No. 3–99, *i.e.*, that operate on the high seas or more than three miles from shore on Great Lakes voyages. We believe that this rule adequately addresses the concerns of NMCA and PVA that a reserve power supply requirement not be imposed on the smallest of small passenger vessels, such as small charter fishing boats that remain relatively close to shore and generally carry only a few passengers at a time. In fact, this resolution was proposed by PVA. In addition, this approach appropriately takes into account a vessel's passenger capacity and area of operation in weighing the costs and benefits of imposing the reserve power supply requirement. We are persuaded by the Coast Guard's endorsement of this approach, moreover, that it gives appropriate weight to the interest in maritime safety at the same time that it furthers the goals of the RFA. Finally, to further mitigate the burden on the owners and operators of small passenger vessels newly subject to the reserve power supply requirement, we provide them with up to one year after the effective date of this rule amendment to install the requisite reserve power supply.

F. Report to Congress

22. The Commission will send a copy of the *Memorandum Opinion and Order* and *Third Report and Order* in WT Docket No. 00–48, including the Final Regulatory Flexibility Analysis, in a report to be sent to Congress and the Congressional Budget Office pursuant to the Congressional Review Act. In addition, the Commission will send a copy of the *Memorandum Opinion and Order* and *Third Report and Order* in WT Docket No. 00–48, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the SBA. A copy of the *Memorandum Opinion and Order* and *Third Report and Order* in WT Docket No. 00–48 and the Final Regulatory Flexibility Analysis (or summaries thereof) will also be published in the **Federal Register**.

List of Subjects in 47 CFR Parts 13 and 80

Communications equipment, Radio, Reporting and recordkeeping requirements, Incorporation by reference.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Rule Changes

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 13 and 80 as follows:

PART 13—COMMERCIAL RADIO OPERATORS

■ 1. The authority citation for part 13 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082 as amended; 47 U.S.C. 154, 303.

■ 2. Amend § 13.7 by revising paragraph (b) introductory text and adding paragraph (b)(11) to read as follows:

§ 13.7 Classification of operator licenses and endorsements.

* * * * *

(b) There are eleven types of commercial radio operator licenses, certificates and permits (licenses). The license's ITU classification, if different from its name, is given in parentheses.

* * * * *

(11) GMDSS Radio Operator/Maintainer License (general operator's certificate/technical portion of the first-class radio electronic certificate).

* * * * *

■ 3. Amend § 13.13 by revising paragraph (a) to read as follows:

§ 13.13 Application for a renewed or modified license.

(a) Each application to renew a First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, or Third Class Radiotelegraph Operator's Certificate must be made on FCC Form 605. The application must be accompanied by the appropriate fee and submitted in accordance with § 1.913 of this chapter.

* * * * *

■ 4. Revise § 13.15 to read as follows:

§ 13.15 License term.

(a) First Class Radiotelegraph Operator's Certificates, Second Class Radiotelegraph Operator's Certificates, and Third Class Radiotelegraph Operator's Certificates are normally valid for a term of five years from the date of issuance.

(b) General Radiotelephone Operator Licenses, Restricted Radiotelephone Operator Permits, Restricted Radiotelephone Operator Permits-Limited Use, GMDSS Radio Operator's Licenses, Restricted GMDSS Radio Operator's Licenses, GMDSS Radio Maintainer's Licenses, GMDSS Operator/Maintainer Licenses, and Marine Radio Operator Permits are normally valid for the lifetime of the holder.

■ 5. Amend § 13.203 by revising paragraph (a) to read as follows:

§ 13.203 Examination elements.

(a) A written examination (written Element) must prove that the examinee possesses the operational and technical qualifications to perform the duties required by a person holding that class of commercial radio operator license. For each Element, the Commission shall establish through public notices or other appropriate means the number of questions to be included in the question pool, the number of questions to be included in the examination, and the number of questions that must be answered correctly to pass the examination. Each written examination must consist of questions relating to the pertinent subject matter, as follows:

(1) Element 1 (formerly Elements 1 and 2): Basic radio law and operating practice with which every maritime radio operator should be familiar. Questions concerning provisions of laws, treaties, regulations, and operating procedures and practices generally followed or required in communicating by means of radiotelephone stations.

(2) Element 3: General radiotelephone. Questions concerning electronic fundamentals and techniques required to adjust, repair, and maintain radio transmitters and receivers at stations licensed by the FCC in the aviation, maritime, and international fixed public radio services.

(3) Element 5: Radiotelegraph operating practice. Questions concerning radio operating procedures and practices generally followed or required in communicating by means of radiotelegraph stations primarily other than in the maritime mobile services of public correspondence.

(4) Element 6: Advanced radiotelegraph. Questions concerning technical, legal and other matters applicable to the operation of all classes of radiotelegraph stations, including operating procedures and practices in the maritime mobile services of public correspondence, and associated matters such as radio navigational aids, message traffic routing and accounting, etc.

(5) Element 7: GMDSS radio operating practices. Questions concerning GMDSS radio operating procedures and practices sufficient to show detailed practical knowledge of the operation of all GMDSS sub-systems and equipment; ability to send and receive correctly by radiotelephone and narrow-band direct-printing telegraphy; detailed knowledge of the regulations applying to radio communications, knowledge of the documents relating to charges for radio communications and knowledge of those provisions of the International Convention for the Safety of Life at Sea which relate to radio; sufficient knowledge of English to be able to express oneself satisfactorily both orally and in writing; knowledge of and ability to perform each function listed in § 80.1081 of this chapter; and knowledge covering the requirements set forth in IMO Assembly Resolution on Training for Radio Personnel (GMDSS), Annex 3.

(6) Element 7R: Restricted GMDSS radio operating practices. Questions concerning those GMDSS radio operating procedures and practices that are applicable to ship stations on vessels that sail exclusively in sea area A1, as defined in § 80.1069 of this chapter, sufficient to show detailed practical knowledge of the operation of pertinent GMDSS sub-systems and equipment; ability to send and receive correctly by radio telephone and narrow-band direct-printing telegraphy; detailed knowledge of the regulations governing radio communications within sea area A1, knowledge of the pertinent documents relating to charges for radio communications and knowledge of the pertinent provisions of the International Convention for the Safety of Life at Sea; sufficient knowledge of English to be able to express oneself satisfactorily both orally and in writing; knowledge of and ability to perform each pertinent function listed in § 80.1081 of this chapter; and knowledge covering the pertinent requirements set forth in IMO Assembly Resolution on Training for Radio Personnel (GMDSS), Annex 3.

(7) Element 8: Ship radar techniques. Questions concerning specialized theory and practice applicable to the proper installation, servicing and maintenance of ship radar equipment in general use for marine navigational purposes.

(8) Element 9: GMDSS radio maintenance practices and procedures. Questions concerning the requirements set forth in IMO Assembly on Training for Radio Personnel (GMDSS), Annex 5 and IMO Assembly on Radio Maintenance Guidelines for the Global Maritime Distress and Safety System related to Sea Areas A3 and A4.

* * * * *

■ 6. Revise § 13.215 to read as follows:

§ 13.215 Question pools.

The question pool for each written examination element will be composed of questions acceptable to the FCC. Each question pool must contain at least five

(5) times the number of questions required for a single examination. The FCC will issue public announcements detailing the questions in the pool for each element. COLEMs must use only currently-authorized (through public notice or other appropriate means) question pools when preparing a question set for a written examination element.

PART 80—STATIONS IN THE MARITIME SERVICES

■ 7. The authority citation for part 80 continues to read as follows:

Authority: Secs. 4, 303, 307(e), 309, and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, 307(e), 309, and 332, unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

■ 8. Amend § 80.5 by revising the definition of *Digital selective calling (DSC)* to read as follows:

§ 80.5 Definitions.

* * * * *

Digital selective calling (DSC). A synchronous system developed by the International Telecommunication Union Radiocommunication (ITU–R) Sector, used to establish contact with a station or group of stations automatically by means of radio. The operational and technical characteristics of this system are contained in Recommendations ITU–R M.493–11, ''Digital Selective-calling System for Use in the Maritime Mobile Service,'' with Annexes 1 and 2, 2004, and ITU–R M.541–9, ''Operational Procedures for the Use of Digital Selective-Calling Equipment in the Maritime Mobile Service,'' with Annexes 1 through 5, 2004. (*see* subpart W of this part.) ITU–R Recommendations M.493–11 with Annexes 1 and 2 and M.541–9 with Annexes 1 through 5 are incorporated by reference. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of these standards can be inspected at the Federal Communications Commission, 445 12th Street, SW., Washington, DC (Reference Information Center) or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*. The ITU–R Recommendations can be purchased from the International Telecommunication Union (ITU), Place des Nations, CH–1211 Geneva 20, Switzerland.

* * * * *

■ 9. Amend § 80.15 by removing paragraph (d)(4) and revising paragraph (e)(2) to read as follows:

§ 80.15 Eligibility for station license.

* * * * *

(e) * * *

(2) A 406.0–406.1 MHz EPIRB may be used by any ship required to carry an EPIRB pursuant to 46 CFR subpart 25.26 or 46 CFR 28.150, 117.64, 117.200, 133.60, 180.64, 180.200, 180.204, 180.205, or 199.510, or by any ship that is equipped with a VHF ship radio station. An INMARSAT–E EPIRB may be used by any ship required by these U.S. Coast Guard regulations to carry an EPIRB or by any ship that is equipped with a VHF radio station, provided that the ship is not operating in sea area A4 as defined in § 80.1069(a)(4).

Note to paragraph (e)(2): Service to INMARSAT–E EPIRB stations terminated on December 1, 2006, so distress signals from INMARSAT–E EPIRB stations will not be received by any Rescue Coordination Center.

■ 10. Revise § 80.43 to read as follows:

§ 80.43 Equipment acceptable for licensing.

Transmitters listed in § 80.203 must be authorized for a particular use by the Commission based upon technical requirements contained in subparts E and F of this part, except for transmitters that are used on vessels in the Maritime Security Fleet and are deemed to satisfy all Commission equipment certification requirements pursuant to section 53108(c) of Title 46 of the United States Code.

■ 11. Revise § 80.51 to read as follows:

§ 80.51 Ship earth station licensing.

A ship earth station must display the Commission license.

§ 80.57 [Amended]

■ 12. Amend § 80.57 by removing paragraph (d)(5) and redesignating paragraph (d)(6) as (d)(5).

■ 13. Amend § 80.103 by revising paragraphs (a), (c), and (e) to read as follows:

§ 80.103 Digital selective calling (DSC) operating procedures.

(a) Operating procedures for the use of DSC equipment in the maritime mobile service are as contained in ITU–R M.541–9, ''Operational Procedures for the Use of Digital Selective-Calling Equipment in the Maritime Mobile Service,'' with Annexes 1 through 5, 2004, and subpart W of this part.

* * * * *

(c) DSC acknowledgment of DSC distress and safety calls must be made by designated coast stations and such acknowledgment must be in accordance with procedures contained in ITU–R M.541–9, ''Operational Procedures for the Use of Digital Selective-Calling Equipment in the Maritime Mobile Service,'' with Annexes 1 through 5, 2004. Nondesignated public and private coast stations must follow the guidance provided for ship stations in ITU–R M.541–9, ''Operational Procedures for the Use of Digital Selective-Calling Equipment in the Maritime Mobile Service,'' with Annexes 1 through 5, 2004, with respect to DSC ''Acknowledgment of distress calls'' and ''Distress relays.'' (*See* subpart W of this part.)

* * * * *

(e) ITU–R M.541–9 with Annexes 1 through 5, 2004, is incorporated by reference. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of this standard can be inspected at the Federal Communications Commission, 445 12th Street, SW., Washington, DC (Reference Information Center) or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*. The ITU–R Recommendation can be purchased from the International Telecommunication Union (ITU), Place des Nations, CH–1211 Geneva 20, Switzerland.

■ 14. Amend § 80.123 by revising paragraph (d) to read as follows:

§ 80.123 Service to stations on land.

* * * * *

(d) Radio equipment used on land must be certified for use under part 22, part 80, or part 90 of this chapter. Such equipment must operate only on the public correspondence channels authorized for use by the associated public coast station;

* * * * *

■ 15. Amend § 80.148 by revising the introductory paragraph to read as follows:

§ 80.148 Watch on 156.8 MHz (Channel 16).

Each compulsory vessel, while underway, must maintain a watch for radiotelephone distress calls on 156.800 MHz whenever such station is not being used for exchanging communications. For GMDSS ships, 156.525 MHz is the calling frequency for distress, safety,

and general communications using digital selective calling and the watch on 156.800 MHz is provided so that ships not fitted with DSC will be able to call GMDSS ships, thus providing a link between GMDSS and non-GMDSS compliant ships. The watch on 156.800 MHz is not required:

* * * * *

■ 16. Amend § 80.179 by revising paragraph (e)(1) to read as follows:

§ 80.179 Unattended operation.

* * * * *

(e) * * *

(1) The equipment must be using DSC in accordance with ITU–R Recommendation M.493–11, ''Digital Selective-calling System for Use in the Maritime Mobile Service,'' with Annexes 1 and 2, 2004, and ITU–R Recommendation M.541–9, ''Operational Procedures for the Use of Digital Selective-Calling Equipment in the Maritime Mobile Service,'' with Annexes 1 through 5, 2004, as modified by this section. ITU–R Recommendations M.493–11 with Annexes 1 and 2 and M.541–9 with Annexes 1 through 5 are incorporated by reference. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of these standards can be inspected at the Federal Communications Commission, 445 12th Street, SW., Washington, DC (Reference Information Center) or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*. The ITU–R Recommendations can be purchased from the International Telecommunication Union (ITU), Place des Nations, CH–1211 Geneva 20, Switzerland.

* * * * *

■ 17. Amend § 80.203 by revising paragraphs (b)(3), (h), and (n), redesignating paragraph (b)(4) as (b)(5), and adding new paragraph (b)(4) to read as follows:

§ 80.203 Authorization of transmitters for licensing.

* * * * *

(b) * * *

(3) Except as provided in paragraph (b)(4) of this section, programming of authorized channels must be performed only by a person holding a first or second class radiotelegraph operator's certificate or a general radiotelephone operator's license using any of the following procedures:

(i) Internal adjustment of the transmitter;

(ii) Use of controls normally inaccessible to the station operator;

(iii) Use of external devices or equipment modules made available only to service and maintenance personnel through a service company; and

(iv) Copying of a channel selection program directly from another transmitter (cloning) using devices and procedures made available only to service and maintenance personnel through a service company.

(4) Notwithstanding paragraph (b)(3) of this section, authorized channels may be programmed via computerized remote control by any person, provided that the remote control operation is designed to preclude the programming of channels not authorized to the licensee.

* * * * *

(h) In addition to the certification requirements contained in part 2 of this chapter, applicants for certification of 406.0–406.1 MHz radiobeacons must also comply with the certification procedures contained in § 80.1061 of this part.

* * * * *

(n) Applications for certification of all marine radio transmitters operating in the 2–27.5 MHz band or the 156–162 MHz band received on or after June 17, 1999, must have a DSC capability in accordance with § 80.225. This requirement does not apply to transmitters used with AMTS or hand-held portable transmitters.

* * * * *

■ 18. Amend § 80.207 by revising paragraph (d) to read as follows:

§ 80.207 Classes of emission.

* * * * *

(d) The authorized classes of emission are as follows:

Types of stations	Classes of emission
Ship Stations [1]	
Radiotelegraphy:	
100–160 kHz	A1A.
405–525 kHz	A1A, J2A.
1615–27500 kHz:	
Manual [15, 16, 17]	A1A, J2A, J2B, J2D.
DSC [6]	F1B, J2B.
NB–DP [14, 16]	F1B, J2B, J2D.
Facsimile	F1C, F3C, J2C, J3C.
156–162 MHz [2]	F1B, F2B, F2C, F3C, F1D, F2D.
DSC	G2B.
216–220 MHz [3]	F1B, F2B, F2C, F3C.
1626.5–1646.5 MHz	([4]).
Radiotelephony:	
1615–27500 kHz [16]	H3E, J2D, J3E, R3E.
27.5–470 MHz [6]	G3D, G3E.
1626.5–1646.5 MHz	([4]).
Radiodetermination:	
285–325 kHz [7]	A1A, A2A.
405–525 kHz (Direction Finding) [8]	A3N, H3N, J3N, NON.
154–459 MHz: [12]	A1D, A2D, F1D, F2D, G1D, G2D.
2.4–9.5 GHz	PON.
Land Stations [1]	
Radiotelegraphy:	
100–160 kHz	A1A.
405–525 kHz	A1A, J2A.
1605–2850 kHz:	
Manual	A1A, J2A.

Types of stations	Classes of emission
Facsimile	F1C, F3C, J2C, J3C.
Alaska-Fixed	A1A, J2A.
4000–27500 kHz:	
Manual [16]	A1A, J2A, J2B, J2D.
DSC [18]	F1B, J2B.
NB–DP [14, 18]	F1,B J2B, J2D.
Facsimile	F1C, F3C, J2C, J3C.
Alaska-Fixed [17, 18]	A1A, A2A, F1B, F2B, J2B, J2D.
72–76 MHz	A1A, A2A, F1B, F2B.
156–162 MHz [2, 20]	F1B, F2B, F2C, F3C, F1D, F2D.
DSC	G2B.
216–220 MHz [3]	F1B, F2B, F2C, F3C.
Radiotelephony:	
1615–27500 kHz [18, 19]	H3E, J3E, R3E.
72–76 MHz	A3E, F3E, G3E.
156–470 MHz	G3E.
Radiodetermination:	
2.4–9.6 GHz	PON.
Distress, Urgency and Safety [8, 9]	
2182 kHz [10, 11]	A2B, A3B, H2B, H3E, J2B, J3E.
121.500 MHz	A3E, AEX, N0N.
123.100 MHz	A3E.
156.750 and 156.800 MHz [13]	G3E, G3N.
243.000 MHz	A3E, A3X, N0N.
406.0–406.1 MHz	G1D.

[1] Excludes distress, EPIRBs, survival craft, and automatic link establishment.
[2] Frequencies used for public correspondence and in Alaska 156.425 MHz. *See* §§ 80.371(c), 80.373(f) and 80.385(b). Transmitters approved before January 1, 1994, for G3E emissions will be authorized indefinitely for F2C, F3C, F1D and F2D emissions. Transmitters approved on or after January 1, 1994, will be authorized for F2C, F3C, F1D or F2D emissions only if they are approved specifically for each emission designator.
[3] Frequencies used in the Automated Maritime Telecommunications System (AMTS). *See* § 80.385(b).
[4] Types of emission are determined by the INMARSAT Organization.
[5] [Reserved].
[6] G3D emission must be used only by one-board stations for maneuvering or navigation.
[7] Frequencies used for cable repair operations. *See* § 80.375(b).
[8] For direction finding requirements see § 80.375.
[9] Includes distress emissions used by ship, coast, EPIRBs and survival craft stations.
[10] On 2182 kHz A1B, A2B, H2B and J2B emissions indicate transmission of the auto alarm signals.
[11] Ships on domestic voyages must use J3E emission only.
[12] For frequencies 154.585 MHz, 159.480 MHz, 160.725 MHz, 160.785 MHz, 454.000 MHz and 459.000 MHz, authorized for offshore radiolocation and related telecommand operations.
[13] Class C EPIRB stations may not be used after February 1, 1999.
[14] NB–DP operations which are not in accordance with ITU–R Recommendations M.625 or M.476 are permitted to utilize any modulation, so long as emissions are within the limits set forth in § 80.211(f).
[15] J2B is permitted only on 2000–27500 kHz.
[16] J2D is permitted only on 2000–27500 kHz, and ship stations employing J2D emissions shall at no time use a peak envelope power in excess of 1.5 kW per channel.
[17] J2B and J2D are permitted provided they do not cause harmful interference to A1A.
[18] Coast stations employing J2D emissions shall at no time use a peak envelope power in excess of 10 kW per channel.
[19] J2D is permitted only on 2000–27500 kHz.
[20] If a station uses another type of digital emission, it must comply with the emission mask requirements of § 90.210 of this chapter, except that Automatic Identification System (AIS) transmissions do not have to comply with the emission mask requirements of § 90.210 of this chapter.

■ 19. Amend § 80.211 by revising paragraph (e) introductory text to read as follows:

§ 80.211 Emission limitations.

* * * * *

(e) The mean power of EPIRBs operating on 121.500 MHz, 243.000 MHz and 406.0–406.1 MHz must be as follows:

* * * * *

■ 20. Amend § 80.223 by revising paragraph (a)(1) to read as follows:

§ 80.223 Special requirements for survival craft stations.

(a) * * *

(1) 2182 kHz must be able to operate with A3E or H3E and J2B and J3E emissions;

* * * * *

■ 21. Amend § 80.225 by revising the introductory paragraph, and paragraphs (a) and (c)(2) to read as follows:

§ 80.225 Requirements for selective calling equipment.

This section specifies the requirements for voluntary digital selective calling (DSC) equipment and selective calling equipment installed in ship and coast stations, and incorporates by reference ITU–R Recommendation M.476–5, ''Direct-Printing Telegraph Equipment in the Maritime Mobile Service,'' with Annex, 1995; ITU–R Recommendation M.493–11, ''Digital Selective-calling System for Use in the Maritime Mobile Service,'' with Annexes 1 and 2, 2004; ITU–R Recommendation M.541–9, ''Operational Procedures for the Use of Digital Selective-Calling Equipment in the Maritime Mobile Service,'' with Annexes 1 through 5, 2004; ITU–R Recommendation M.625–3, ''Direct-Printing Telegraph Equipment Employing Automatic Identification in the Maritime Mobile Service,'' with Annex, 1995; RTCM Paper 56–95/SC101–STD, ''RTCM Recommended Minimum Standards for Digital Selective Calling (DSC) Equipment Providing Minimum Distress and Safety Capability,'' Version 1.0, August 10, 1995; and IEC 62238, First edition, ''Maritime navigation and

radiocommunication equipment and systems—VHF radiotelephone equipment incorporating Class 'D' Digital Selective Calling (DSC)—Methods of testing and required test results,'' March 2003. ITU–R Recommendations M.476–5 with Annex, M.493–11 with Annexes 1 and 2, M.541–9 with Annexes 1 through 5, and M.625–3 with Annex, RTCM Paper 56–95/SC101–STD Version 1.0, and IEC 62238, First edition, are incorporated by reference. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of these standards can be inspected at the Federal Communications Commission, 445 12th Street, SW., Washington, DC (Reference Information Center) or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*. The ITU–R Recommendations can be purchased from the International Telecommunication Union (ITU), Place des Nations, CH–1211 Geneva 20, Switzerland. The RTCM standards can be purchased from the Radio Technical Commission for Maritime Services (RTCM), 1800 N. Kent Street, Suite 1060, Arlington, Virginia 22209, *http://www.rtcm.org*, e-mail *pubs@rtcm.org*.

(a) The requirements for DSC equipment voluntarily installed in coast or ships stations are as follows:

(1) Prior to March 25, 2009, DSC equipment must meet the requirements of the following standards in order to be approved for use:

(i) RTCM Paper 56–95/SC101–STD, RTCM Recommended Minimum Standards for Digital Selective Calling (DSC) Equipment Providing Minimum Distress and Safety Capability,'' Version 1.0, August 10, 1995, and ITU–R Recommendation M.493–10, ''Digital Selective-calling System for Use in the Maritime Mobile Service,'' with Annexes 1 and 2, 2000 (including only equipment classes A, B, D, and E); or

(ii) ITU–R Recommendation M.493–11, ''Digital Selective-calling System for Use in the Maritime Mobile Service,'' with Annexes 1 and 2, 2004, and, in the case of Class D DSC equipment only, IEC 62238, First edition, ''Maritime navigation and radiocommunication equipment and systems—VHF radiotelephone equipment incorporating Class 'D' Digital Selective Calling (DSC)—Methods of testing and required test results,'' March 2003.

(2) Beginning March 25, 2009, the Commission will not accept new applications (but will continue to process then-pending applications) for certification of non-portable DSC equipment that does not meet the requirements of ITU–R Recommendation M.493–11, ''Digital Selective-calling System for Use in the Maritime Mobile Service,'' with Annexes 1 and 2, 2004, and, in the case of Class D DSC equipment only, IEC 62238, First edition, ''Maritime navigation and radiocommunication equipment and systems—VHF radiotelephone equipment incorporating Class 'D' Digital Selective Calling (DSC)—Methods of testing and required test results,'' March 2003.

(3) Beginning March 25, 2012, the Commission will not accept new applications (but will continue to process then-pending applications) for certification of handheld, portable DSC equipment that does not meet the requirements of ITU–R Recommendation M.493–11, ''Digital Selective-calling System for Use in the Maritime Mobile Service,'' with Annexes 1 and 2, 2004, and, in the case of Class D DSC equipment only, IEC 62238, First edition, ''Maritime navigation and radiocommunication equipment and systems—VHF radiotelephone equipment incorporating Class 'D' Digital Selective Calling (DSC)—Methods of testing and required test results,'' March 2003.

(4) The manufacture, importation, sale or installation of non-portable DSC equipment that does not comply with either of the standards referenced in paragraph (a)(2) of this section is prohibited beginning March 25, 2011.

(5) The manufacture, importation, or sale of handheld, portable DSC equipment that does not comply with either of the standards referenced in paragraph (a)(3) of this section is prohibited beginning March 25, 2015.

(6) Approved DSC equipment that has been manufactured, sold, and installed in conformity with the requirements of this section may be used indefinitely.

* * * * *

(c) * * *

(2) Equipment used to perform a selective calling function during narrow-band direct-printing (NB–DP) operations in accordance with ITU–R Recommendation M.476–5, ''Direct-Printing Telegraph Equipment in the Maritime Mobile Service,'' with Annex, 1995, or ITU–R Recommendation M.625–3, ''Direct-Printing Telegraph Equipment Employing Automatic Identification in the Maritime Mobile Service,'' with Annex, 1995, ITU–R Recommendation M.493–11, ''Digital Selective-calling System for Use in the Maritime Mobile Service,'' with Annexes 1 and 2, 2004, and

* * * * *

■ 22. Amend § 80.251 by revising paragraph (a) to read as follows:

§ 80.251 Scope.

(a) This subpart gives the general technical requirements for certification of equipment used on compulsory ships. Such equipment includes automatic-alarm-signal keying devices, survival craft radio equipment, watch receivers, radar equipment and Ship Security Alert System (SSAS) equipment.

* * * * *

§ 80.268 [Amended]

■ 23. Amend § 80.268 by removing paragraph (b)(2) and redesignating paragraph (b)(3) as (b)(2).

§ 80.269 [Removed]

■ 24. Section 80.269 is removed.

■ 25. Amend § 80.271 by revising paragraph (e) to read as follows:

§ 80.271 Technical requirements for portable survival craft radiotelephone transceivers.

* * * * *

(e) Portable radiotelephone transceivers which are certified to meet the requirements of this section must be identified by an appropriate note in the Commission's database.

■ 26. Revise § 80.273 to read as follows:

§ 80.273 Technical requirements for radar equipment.

(a) Radar installations on board ships that are required by the Safety Convention or the U.S. Coast Guard to be equipped with radar must comply with the documents referenced in the following paragraphs of this section. These documents contain specifications, standards and general requirements applicable to shipboard radar equipment and shipboard radar installations. For purposes of this part the specifications, standards and general requirements stated in these documents are mandatory irrespective of discretionary language. The standards listed in this section are incorporated by reference. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of these standards can be inspected at the Federal Communications Commission, 445 12th Street, SW., Washington, DC (Reference Information Center) or at the National Archives and Records Administration (NARA). For

information on the availability of this material at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*. The IMO standards can be purchased from International Maritime Organization (IMO), Publications, International Maritime Organization, 4 Albert Embankment, London SE1 7SR, United Kingdom; telephone 011 44 71 735 7611. IEC publications can be purchased from the International Electrotechnical Commission, 3 Rue de Varembe, CH–1211 Geneva 20, Switzerland, or from the American National Standards Institute (ANSI) through its NSSN operation (*www.nssn.org*), at Customer Service, American National Standards Institute, 25 West 43rd Street, New York, NY 10036, telephone (212) 642–4900. ITU documents can be purchased from the International Telecommunication Union (ITU), Place des Nations, CH–1211 Geneva 20, Switzerland (*www.itu.int.*)

(b) Radar installed on or after March 25, 2008 on ships of 300 tons gross tonnage and upwards, and radar installed on a ship after March 25, 2008, and certificated by the U.S. Coast Guard under the IMO Code for the Safety of High Speed Craft (Resolution MSC.36(63), May 20, 1994, with Supplement (2002) must comply with:

(1) IMO Resolution MSC.64(67), ''Adoption of New and Amended Performance Standards,'' Annex 4, ''Recommendation on performance standards for radar equipment,'' adopted on 4 December 1996;

(2) The emission limits contained in ITU Radio Regulations, Appendices Edition of 2004, Appendix 3 (Rev. WRC–03), ''Tables of maximum permitted power levels for spurious or spurious domain emissions,'' Section II—''Spurious domain emission limits for transmitters installed after 1 January 2003 and for all transmitters after 1 January 2012,'' including Annex 1; and

(3) ITU–R M.1177–3, ''Techniques for measurement of unwanted emissions of radar systems,'' including Annexes 1 and 2 and all appendices, 2003.

(c) For any ship of 10,000 tons gross tonnage and upwards or that is otherwise required to be equipped with two radar systems, each of the two radar systems must be capable of operating independently and must comply with the specifications, standards and general requirements set forth on paragraph (b) of this section. One of the systems must provide a display with an effective diameter of not less than 340 millimeters (13.4 inches), (16-inch cathode ray tube). The other system must provide a display with an effective diameter of not less than 250 millimeters (9.8 inches), (12-inch cathode ray tube).

(d) Radar installed before March 25, 2008 must meet and be maintained to comply with the Commission's regulations in effect for the equipment on the date of its installation.

■ 27. Add § 80.277 to read as follows:

§ 80.277 Ship Security Alert System (SSAS).

(a) Vessels equipped with a Ship Security Alert System pursuant to the Safety Convention or 33 CFR 101.310 may utilize:

(1) Equipment that complies with RTCM Paper 110–2004/SC110–STD, ''RTCM Standard 11020.0—Ship Security Alert Systems (SSAS) using the Cospas-Sarsat System,'' Version 1.0, June 4, 2004; or

(2) INMARSAT D+ equipment; or

(3) Equipment that complies with the technical specifications found in this subpart.

(b) RTCM Paper 110–2004/SC110–STD is incorporated by reference. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of these standards can be inspected at the Federal Communications Commission, 445 12th Street, SW., Washington, DC (Reference Information Center) or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*. The RTCM standards can be purchased from the Radio Technical Commission for Maritime Services (RTCM), 1800 N. Kent St., Suite 1060, Arlington VA 22209, *http://www.rtcm.org*, e-mail at *pubs@rtcm.org*.

■ 28. Amend § 80.305 by revising paragraphs (a)(1), (a)(2), (b)(1), and (c) to read as follows:

§ 80.305 Watch requirements of the Communications Act and the Safety Convention.

(a) * * *

(1) If it is not carrying MF-DSC radio equipment, keep a continuous and efficient watch on the radiotelephone distress frequency 2182 kHz from the principal radio operating position or the room from which the vessel is normally steered while being navigated in the open sea outside a harbor or port.

(2) Keep a continuous and efficient watch on the VHF distress frequency 156.800 MHz from the room from which the vessel is normally steered while in the open sea outside a harbor or port. The watch must be maintained by a designated member of the crew who may perform other duties, relating to the operation or navigation of the vessel, provided such other duties do not interfere with the effectiveness of the watch. Use of a properly adjusted squelch or brief interruptions due to other nearby VHF transmissions are not considered to adversely affect the continuity or efficiency of the required watch on the VHF distress frequency. This watch need not be maintained by vessels subject to the Bridge-to-Bridge Act and participating in a Vessel Traffic Services (VTS) system as required or recommended by the U.S. Coast Guard, when an efficient listening watch is maintained on both the bridge-to-bridge frequency and a separate assigned VTS frequency.

(b) * * *

(1) If it is not carrying MF-DSC radio equipment, keep a continuous watch on 2182 kHz in the room from which the vessel is normally steered while at sea, whenever such station is not being used for authorized traffic. Such watch must be maintained by at least one officer or crewmember who may perform other duties relating to the operation or navigation of the vessel, provided such other duties do not interfere with the watch. A radiotelephone watch receiver having a loudspeaker and a radiotelephone auto alarm must be used to keep the continuous watch on 2182 kHz. After a determination by the master that maintenance of the watch would interfere with the safe navigation of the ship, the watch may be maintained by use of the radiotelephone auto alarm facility alone.

* * * * *

(c) Each vessel of the United States transporting more than six passengers for hire, which is equipped with a radiotelephone station for compliance with 47 U.S.C. 381–386 but which is not carrying MF-DSC radio equipment, must, while being navigated in the open sea or any tidewater within the jurisdiction of the United States adjacent or contiguous to the open sea, keep a continuous watch on 2182 kHz while the vessel is beyond VHF communication range of the nearest VHF coast station, whenever the radiotelephone station is not being used for authorized traffic. A VHF watch must be kept on 156.800 MHz whenever such station is not being used for authorized traffic. The VHF watch must be maintained at the vessel's steering station actually in use by the qualified operator as defined by § 80.157 or by a

crewmember who may perform other duties relating to the operation or navigation of the vessel, provided such other duties do not interfere with the watch. The use of a properly adjusted squelch is not considered to adversely affect the watch. The VHF watch need not be maintained by vessels subject to the Bridge-to-Bridge Act and participating in a Vessel Traffic Services (VTS) system when an efficient listening watch is maintained on both the bridge-to-bridge frequency and a VTS frequency.

■ 29. Revise § 80.310 to read as follows:

§ 80.310 Watch required by voluntary vessels.

Voluntary vessels not equipped with DSC must maintain a watch on 2182 kHz and on 156.800 MHz (Channel 16) whenever the vessel is underway and the radio is not being used to communicate. Noncommercial vessels, such as recreational boats, may alternatively maintain a watch on 156.450 MHz (Channel 9) in lieu of VHF Channel 16 for call and reply purposes. Voluntary vessels equipped with VHF-DSC equipment must maintain a watch on 2182 kHz and on either 156.525 MHz (Channel 70) or VHF Channel 16 aurally whenever the vessel is underway and the radio is not being used to communicate. Voluntary vessels equipped with MF-HF DSC equipment must have the radio turned on and set to an appropriate DSC distress calling channel or one of the radiotelephone distress channels whenever the vessel is underway and the radio is not being used to communicate. Voluntary vessels equipped with Inmarsat A, B, C, M or Fleet F77 systems must have the unit turned on and set to receive calls whenever the vessel is underway and the radio is not being used to communicate.

§ 80.313 [Amended]

■ 30. In § 80.313 amend the Frequency band column in the table by removing the entry ''1605–3500 kHz'' and adding in its place ''1615–3500 kHz.''

■ 31. Amend § 80.314 is revising the section heading and by adding paragraph (c) and (d) to read as follows:

§ 80.314 Distress communications.

* * * * *

(c) The radiotelephone distress call consists of:

(1) The distress signal MAYDAY spoken three times;

(2) The words THIS IS;

(3) The call sign (or name, if no call sign assigned) of the mobile station in distress, spoken three times;

(4) Particulars of the station's position;

(5) The nature of the distress;

(6) The kind of assistance desired; and

(7) Any other information which might facilitate rescue, for example, the length, color, and type of vessel, or number of persons on board.

(d) The procedures for canceling false distress alerts are contained in § 80.335.

§ 80.315 [Removed]

■ 32. Section 80.315 is removed.

§ 80.316 [Removed]

■ 33. Section 80.316 is removed.

■ 34. Amend § 80.327 by revising the section heading, and by adding paragraphs (e), (f), and (g) to read as follows:

§ 80.327 Urgency signals and messages.

* * * * *

(e) The urgency signal and call, and the message following it, must be sent on one of the international distress frequencies. Stations which cannot transmit on a distress frequency may use any other available frequency on which attention might be attracted.

(f) Mobile stations which hear the urgency signal must continue to listen for at least three minutes. At the end of this period, if no urgency message has been heard, they may resume their normal service. However, land and mobile stations which are in communication on frequencies other than those used for the transmission of the urgency signal and of the call which follows it may continue their normal work without interruption provided the urgency message is not addressed ''to all stations''.

(g) When the urgency signal has been sent before transmitting a message ''to all stations'' which calls for action by the stations receiving the message, the station responsible for its transmission must cancel it as soon as it knows that action is no longer necessary. This message of cancellation must likewise be addressed ''to all stations''.

§ 80.328 [Removed]

■ 35. Section 80.328 is removed.

■ 36. Amend § 80.329 by revising the section heading, and by adding paragraphs (e), (f), and (g) to read as follows:

§ 80.329 Safety signals and messages.

* * * * *

(e) The safety signal and call must be followed by the safety message. Where practicable, the safety message should be sent on a working frequency, and a suitable announcement to this effect must be made at the end of the call.

(f) Messages about meteorological warnings, of cyclones, dangerous ice, dangerous wrecks, or any other imminent danger to marine navigation must be preceded by the safety signal.

(g) Stations hearing the safety signal must not make any transmission likely to interfere with the message.

§ 80.330 [Removed]

■ 37. Section 80.330 is removed.

■ 38. Amend § 80.335 by revising paragraphs (a)(2), (b)(2), and (c)(2) to read as follows:

§ 80.335 Procedures for canceling false distress alerts.

(a) * * *

(2) Immediately cancel the distress alert orally over the telephony distress traffic channel associated with each DSC channel on which the distress alert was transmitted;

* * * * *

(b) * * *

(2) Immediately cancel the distress alert orally over the telephony distress traffic channel associated with each DSC channel on which the distress alert was transmitted; and

* * * * *

(c) * * *

(2) Immediately cancel the distress alert orally over the telephony distress traffic channel associated with each DSC channel on which the distress alert was transmitted;

* * * * *

■ 39. Amend § 80.359 by revising paragraph (b) to read as follows:

§ 80.359 Frequencies for digital selective calling (DSC).

* * * * *

(b) *Distress and safety calling.* The frequencies 2187.5 kHz, 4207.5 kHz, 6312.0 kHz, 8414.5 kHz, 12577.0 kHz, 16804.5 kHz and 156.525 MHz may be used for DSC by coast and ship stations on a simplex basis for distress and safety purposes, and may also be used for routine ship-to-ship communications provided that priority is accorded to distress and safety communications. The provisions and procedures for distress and safety calling are contained in ITU–R Recommendation M.541–9, ''Operational Procedures for the Use of Digital Selective-Calling Equipment in the Maritime Mobile Service,'' with Annexes 1 through 5, 2004, and § 80.103(c). ITU–R Recommendation M.541–9 with Annexes is incorporated by reference. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of this standard can be inspected at the Federal

Communications Commission, 445 12th Street, SW., Washington, DC (Reference Information Center) or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*. The ITU–R Recommendation can be purchased from the International Telecommunication Union (ITU), Place des Nations, CH–1211 Geneva 20, Switzerland.

* * * * *

■ 40. Amend § 80.371 by revising the reference to ''West Coat'' in the Region column of the table in paragraph (a) to read ''West Coast,'' and by adding footnote 2 to the entry for 16537 kHz of the table in paragraph (b)(2), and revise paragraph (c) introductory text to read as follows:

§ 80.371 Public correspondence frequencies.

* * * * *

(b) * * *

(2) * * *

Public Correspondence Simplex

[Non-paired radiotelephony frequencies in the 4000–27500 kHz Band [1] Carrier Frequencies (kHz)]

16537 [2]	18825	22174	25100
* *	*	*	*

[2] The alternative carrier frequency 16537 kHz may be used by ship stations and coast stations for calling on a simplex basis, provided that the peak envelope power does not exceed 1 kW.

(c) *Working frequencies in the marine VHF 156–162 MHz band.* (1)(i) The frequency pairs listed in the table in this paragraph are available for assignment to public coast stations for public correspondence communications with ship stations and units on land.

* * * * *

■ 41. Amend § 80.373 by revising paragraph (a)(1), adding footnote 6 to the entry for 12359 kHz of the table in paragraph (c)(1), redesignating paragraph (g) as (g)(1), revising newly designated paragraph (g)(1), and adding paragraph (g)(2) to read as follows:

§ 80.373 Private communications frequencies.

* * * * *

(a) * * *

(1) Private coast stations must use J3E emission.

* * * * *

(c) * * *

Business and Operational Frequencies in the 2000–27500 kHz Band; Carrier Frequencies (kHz)

*	*	*	*	*	*	*
2096.5 \1\	4125	6230	.....	12359	16534	22165
	.....	.....	.....	[6]	.....	.....
*	*	*	*	*	*	*

* * * * * * *

[6] The alternative carrier frequency 12359 kHz may be used by ship stations and coast stations for calling on a simplex basis, provided that the peak envelope power does not exceed 1 kW.

* * * * *

(g)(1) On-board communications: This section describes the carrier frequency pairs assignable for on-board mobile radiotelephony communications. The center of the on-board repeater antenna must not be located more than 3 meters (10 feet) above the ship's working deck. These frequencies are available on a shared basis with stations in the Industrial/Business Radio Pool.

* * *

(2) Where needed, equipment designed for 12.5 kHz channel spacing using the additional frequencies 457.5375 MHz, 457.5625 MHz, 467.5375 MHz, and 467.5625 MHz may be introduced for on-board communications.

* * * * *

§ 80.385 [Amended]

■ 42. Amend § 80.385 by removing paragraph (d).

■ 43. Amend § 80.409 by revising paragraphs (a)(1), (a)(2), (d)(2), and (e)(1), removing paragraph (e)(5)(ii), redesignating paragraphs (e)(5)(iii) and (e)(5)(iv) as (e)(5)(ii) and (e)(5)(iii), redesignating paragraphs (e)(6) through (e)(12) as (e)(7) through (e)(13), and adding a new paragraph (e)(6) to read as follows:

§ 80.409 Station logs.

(a) * * *

(1) The log must be kept in an orderly manner. The log may be kept electronically or in writing. The required information for the particular class or category of station must be readily available. Key letters or abbreviations may be used if their proper meaning or explanation is contained elsewhere in the same log.

(2) Erasures, obliterations, or willful destruction of written logs, or deletions of data or willful destruction of computer files or computer hardware containing electronic logs, is prohibited during the retention period. Corrections may be made only by the person originating the entry by striking out the error, initialing the correction and indicating the date of correction. With respect to electronic logs, striking out the error is to be accomplished using a strike-through formatting effect or a similar software function, and the correction is to be acknowledged through a dated electronic signature at the location of the strike-through.

* * * * *

(d) * * *

(2) ''ON WATCH'' must be entered by the operator beginning a watch, followed by the operator's signature for stations maintaining written logs. ''OFF WATCH'' must be entered by the operator being relieved or terminating a watch, followed by the operator's signature for stations maintaining written logs. All log entries must be completed by the end of each watch.

* * * * *

(e) * * *

(1) A summary of all distress and urgency communications affecting the station's own ship, all distress alerts relayed by the station's own ship, and all distress call acknowledgements and other communications received from search and rescue authorities.

* * * * *

(6) An entry at least once every thirty days that the batteries or other reserve power sources have been checked and are functioning properly.

* * * * *

■ 44. The heading of subpart R is revised to read as follows:

Subpart R—Technical Equipment Requirements for Cargo Vessels Not Subject to Subpart W

* * * * *

§ 80.858 [Amended]

■ 45. Amend § 80.858 by removing paragraph (b) and redesignating paragraphs (c), (d), and (e) as (b), (c), and (d).

■ 46. Amend § 80.871 by revising the entries for Channels 75 and 76 in the table in paragraph (d) to read as follows:

§ 80.871 VHF radiotelephone station.

(d) * * *

Channel designators	Transmitting frequencies (MHz)	
	Ship station	Coast station
* * * * * * *		
75	156.775	156.775
* * * * * * *		
76	156.825	156.825

* * * * *

■ 47. Add § 80.882 to read as follows:

§ 80.882 2182 kHz watch.

Ships subject to this subpart must maintain a watch on the frequency 2182 kHz pursuant to § 80.305.

■ 48. Amend § 80.905 by revising paragraphs (a)(1), (a)(2), (a)(3)(i), (a)(3)(iii)(A), (a)(3)(iii)(B), (a)(4)(i), (a)(4)(iii)(A), (a)(4)(iii)(B), and (a)(4)(vi) to read as follows:

§ 80.905 Vessel radio equipment.

(a) * * *

(1) Vessels operated solely within 20 nautical miles of land must be equipped with a VHF–DSC radiotelephone installation meeting the requirements of § 80.1101(c)(2), except that a VHF radiotelephone installation without DSC capability is permitted until one year after the Coast Guard notifies the Commission that shore-based sea area A1 coverage is established. Vessels in this category must not operate more than 20 nautical miles from land.

(2) Vessels operated beyond the 20 nautical mile limitation specified in paragraph (a)(1) of this section, but not more than 100 nautical miles from the nearest land, must be equipped with a MF–DSC frequency transmitter meeting the requirements of § 80.1101(c)(3) and capable of transmitting J3E emission and a receiver capable of reception of J3E emission within the band 1710 to 2850 kHz, in addition to the VHF–DSC radiotelephone installation required by paragraph (a)(1) of this section, except that a MF radiotelephone installation without DSC capability is permitted until one year after the Coast Guard notifies the Commission that shore-based sea area A2 coverage is established. The MF or MF–DSC transmitter and receiver must be capable of operation on 2670 kHz.

(3) * * *

(i) Be equipped with a VHF–DSC radiotelephone installation meeting the requirements of paragraph (a)(1) of this section, except that a VHF radiotelephone installation without DSC capability is permitted until one year after the Coast Guard notifies the Commission that shore-based sea area A1 coverage is established;

* * * * *

(iii) * * *

(A) A DSC-capable single sideband radiotelephone meeting the requirements of § 80.1101(c)(4) and capable of operating on all distress and safety frequencies in the medium frequency and high frequency bands listed in § 80.369(a) and (b), on all of the ship-to-shore calling frequencies in the high frequency bands listed in § 80.369(d), and on at least four of the automated mutual-assistance vessel rescue (AMVER) system HF duplex channels (this requirement may be met by the addition of such frequencies to the radiotelephone installation required by paragraph (a)(2) of this section); or

(B) If operated in an area within the coverage of an INMARSAT maritime mobile geostationary satellite in which continuous alerting is available, an INMARSAT B, C, M, or Fleet F77 ship earth station, or an INMARSAT A ship earth station if installed prior to February 12, 2004.

* * * * *

(4) * * *

(i) Be equipped with two VHF–DSC radiotelephone installations meeting the requirements of paragraph (a)(1) of this section, except that VHF radiotelephone installations without DSC capability are permitted until one year after the Coast Guard notifies the Commission that shore-based sea area A1 coverage is established;

* * * * *

(iii) * * *

(A) A DSC-capable independent single sideband radiotelephone meeting the requirements of paragraph (a)(3)(iii)(A) of this section and that is capable of operating on all distress and safety frequencies in the medium frequency and high frequency bands listed in § 80.369(a) and (b), on all of the ship-to-shore calling frequencies in the high frequency bands listed in § 80.369(d), and on at least four of the automated mutual-assistance vessel rescue (AMVER) system HF duplex channels; or

(B) If operated in an area within the coverage of an INMARSAT maritime mobile geostationary satellite in which continuous alerting is available, an INMARSAT B, C, M, or Fleet F77 ship earth station, or an INMARSAT A ship earth station if installed prior to February 12, 2004.

* * * * *

(vi) Be equipped with a Category I 406–406.1 MHz satellite emergency position-indicating radiobeacon (EPIRB) meeting the requirements of § 80.1061 or, if the ship is not operating in sea area A4, as defined in § 80.1069(a)(4), an automatic float-free INMARSAT–E EPIRB meeting the requirements of § 80.1063.

Note to paragraph (a)(4)(vi): Service to INMARSAT–E EPIRB stations terminated on December 1, 2006, so distress signals from INMARSAT–E EPIRB stations will not be received by any Rescue Coordination Center; and

* * * * *

■ 49. Amend § 80.913 by revising paragraph (a) to read as follows:

§ 80.913 Radiotelephone receivers.

(a) If a medium frequency radiotelephone installation is provided, the receiver must be capable of effective reception of J3E emissions, be connected to the antenna system specified by § 80.923, and be preset to, and capable of accurate and convenient selection of, the frequencies 2182 kHz, 2638 kHz, and the receiving frequency(s) of public coast stations

serving the area in which the vessel is navigated.

* * * * *

■ 50. Amend § 80.917 by revising paragraph (a) to read as follows:

§ 80.917 Reserve power supply.

(a) The requirements of this section apply

(1) To vessels of more than 100 gross tons; and

(2) Beginning March 25, 2009 to

(i) Vessels that carry more than 150 passengers or have overnight accommodations for more than 49 persons; and

(ii) Vessels that operate on the high seas or more than three miles from shore on Great Lakes voyages. Any such vessel the keel of which was laid after March 1, 1957, must have a reserve power supply located on the same deck as the main wheel house or at least one deck above the vessel's main deck, unless the main power supply is so situated.

* * * * *

§ 80.933 [Amended]

■ 51. Amend § 80.933 by removing paragraphs (c) and (d) and redesignating paragraph (e) as paragraph (c).

■ 52. Section 80.1051 is revised to read as follows:

§ 80.1051 Scope.

This subpart describes the technical and performance requirements for EPIRB stations.

■ 53. Amend § 80.1061 by revising paragraphs (a), (c) introductory text, (c)(1)(ii), and (e) to read as follows:

§ 80.1061 Special requirements for 406.0–406.1 MHz EPIRB stations.

(a) Notwithstanding the provisions in paragraph (b) of this section, 406.0–406.1 MHz EPIRBs must meet all the technical and performance standards contained in the Radio Technical Commission for Maritime Services document entitled RTCM Paper 77–02/SC110–STD, ''RTCM Recommended Standards for 406 MHz Satellite Emergency Position-Indicating Radiobeacons (EPIRBs),'' Version 2.1, dated June 20, 2002 (RTCM Recommended Standards). The RTCM Recommended Standards are incorporated by reference. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the RTCM Recommended Standards can be inspected at the Federal Communications Commission, 445 12th Street, SW., Washington, DC (Reference Information Center) or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*. The RTCM Recommended Standards can be purchased from the Radio Technical Commission for Maritime Services, 1800 N. Kent St., Suite 1060, Arlington, VA 22209, *www.rtcm.org,* e-mail at *pubs@rtcm.org.*

* * * * *

(c) Prior to submitting a certification application for 406.0–406.1 MHz radiobeacon, the radiobeacon must be certified by a test facility recognized by one of the COSPAS–SARSAT Partners that the equipment satisfies the design characteristics associated with the measurement methods described in COSPAS–SARSAT Standards C/S T.001, ''Specification for COSPAS–SARSAT 406 MHz Distress Beacons,'' Issue 3—Revision 4, October 2002, and C/S T.007, ''COSPAS–SARSAT 406 MHz Distress Beacon Type Approval Standard,'' Issue 3—Revision 9, October 2002. Additionally, the radiobeacon must be subjected to the environmental and operational tests associated with the test procedures described in Appendix A of RTCM Standard 11000.2 (RTCM Paper 77–2002/SC110–STD, Version 2.1) for 406 MHz Satellite Emergency Position-Indicating Radiobeacons (EPIRBs), June 20, 2002, by a test facility accepted by the U.S. Coast Guard for this purpose. Information regarding accepted test facilities may be obtained from Commandant (G–MSE), U.S. Coast Guard, 2100 2nd St., SW., Washington, DC 20593–0001, *http://www.uscg.mil/hq/g-m/mse/lablist/lab161011.pdf*. The COSPAS–SARSAT Standards T.001 and T.007, and the RTCM Standard 11000.2 are incorporated by reference. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the COSPAS–SARSAT Standards can be inspected at the Federal Communications Commission, 445 12th Street, SW., Washington, DC (Reference Information Center) or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. The COSPAS–SARSAT Standards may be obtained from COSPAS–SARSAT Secretariat, c/o Inmarsat, 99 City Road, London EC1Y 1AX, United Kingdom, Telephone: +44 20–7728 1391, Facsimile: +44 20–7728 1170; *www.cospas-sarsat.org*. The RTCM Recommended Standards can be purchased from the Radio Technical Commission for Maritime Services, 1800 N. Kent St., Suite 1060, Arlington, VA 22209, *http://www.rtcm.org,* e-mail at *pubs@rtcm.org.*

(1) * * *

(ii) Copies of the certificate and test data obtained from the test facility recognized by a COSPAS/SARSAT Partner showing that the radiobeacon complies with the COSPAS/SARSAT design characteristics associated with the measurement methods described in the COSPAS–SARSAT Standards C/S T.001, ''Specification for COSPAS–SARSAT 406 MHz Distress Beacons,'' Issue 3—Revision 4, October 2002, and T.007, ''COSPAS–SARSAT 406 MHz Distress Beacon Type Approval Standard,'' Issue 3—Revision 9, October 2002, and RTCM Paper 77–2002/SC110–STD, ''RTCM Standard 11000.2 for 406 MHz Satellite Emergency Position-Indicating Radiobeacons (EPIRBs),'' Version 2.1, June 20, 2002. The COSPAS–SARSAT Standards C/S T.001 and T.007, and the RTCM Standard 11000.2 are incorporated by reference. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the COSPAS–SARSAT Standards can be inspected at the Federal Communications Commission, 445 12th Street, SW., Washington, DC (Reference Information Center) or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. The COSPAS–SARSAT Standards may be obtained from COSPAS–SARSAT Secretariat, c/o Inmarsat, 99 City Road, London EC1Y 1AX, United Kingdom, Telephone: +44 20–7728 1391, Facsimile: +44 20–7728 1170; *www.cospas-sarsat.org*. The RTCM Recommended Standards can be purchased from the Radio Technical Commission for Maritime Services, 1800 N. Kent St., Suite 1060, Arlington, VA 22209, *http://www.rtcm.org,* e-mail at *pubs@rtcm.org;*

* * * * *

(e) An identification code, issued by the National Oceanic and Atmospheric Administration (NOAA), the United States Program Manager for the 406.0–406.1 MHz COSPAS/SARSAT satellite system, must be programmed in each EPIRB unit to establish a unique identification for each EPIRB station. With each marketable EPIRB unit, the manufacturer or grantee must include a postage pre-paid registration card printed with the EPIRB identification code addressed to: NOAA/SARSAT Beacon Registration, E/SP3, Federal Building 4, Room 3320, 5200 Auth Road, Suitland, MD 20746–4304. The registration card must request the

owner's name, address, telephone number, type of ship, alternate emergency contact and other information as required by NOAA. The registration card must also contain information regarding the availability to register the EPIRB at NOAA's online web-based registration database at: *http://www/beaconregistration.noaa.gov.* In addition, the following statement must be included: ''WARNING—failure to register this EPIRB with NOAA before installation could result in a monetary forfeiture being issued to the owner.''

* * * * *

■ 54. Amend § 80.1063 by adding a note to paragraph (a) to read as follows:

§ 80.1063 Special requirements for INMARSAT–E EPIRB stations.

(a) * * *

Note to paragraph (a): Service to INMARSAT–E EPIRB stations terminated on December 1, 2006, so distress signals from INMARSAT–E EPIRB stations will not be received by any Rescue Coordination Center.

* * * * *

■ 55. Amend § 80.1065 by removing paragraphs (a) and (b)(1) through (b)(6), redesignating paragraphs (b) through (d) as paragraphs (a) through (c), and revising newly designated paragraph (a) to read as follows:

§ 80.1065 Applicability.

(a) The regulations contained within this subpart apply to all passenger ships regardless of size and cargo ships of 300 tons gross tonnage and upwards.

* * * * *

■ 56. Amend § 80.1071 by revising paragraphs (c)(1)(i) and (c)(1)(ii) to read as follows:

§ 80.1071 Exemptions.

* * * * *

(c) * * *

(1) * * *

(i) A VHF radiotelephone installation.

(ii) A MF or HF radiotelephone installation.

* * * * *

■ 57. Amend § 80.1073 by revising paragraph (a) introductory text to read as follows:

§ 80.1073 Radio operator requirements for ship stations.

(a) Ships must carry at least two persons holding GMDSS Radio Operator's Licenses as specified in § 13.7 of this chapter for distress and safety radiocommunications purposes. The GMDSS Radio Operator's License qualifies personnel as a GMDSS radio operator for the purposes of operating a GMDSS radio installation, including basic equipment adjustments as denoted in the knowledge requirements specified in § 13.203 of this chapter.

* * * * *

■ 58. Amend § 80.1077 by removing and reserving footnote 11, and adding footnote 12 to the entry for INMARSAT E–EPIRBs to read as follows:

§ 80.1077 Frequencies.

The following table describes the frequencies used in the Global Maritime Distress and Safety System:

Alerting:

* * * * * * *	
INMARSAT–E EPIRBs [12]	1626.5–1645.5 MHz (Earth-to-space).
* * * * * * *	

* * * * *

[11] [Reserved]

* * * * *

[12] Service to INMARSAT–E EPIRB stations terminated on December 1, 2006, so distress signals from INMARSAT–E EPIRB stations will not be received by any Rescue Coordination Center.

■ 59. Amend § 80.1083 by revising paragraph (d) to read as follows:

§ 80.1083 Ship radio installations.

* * * * *

(d) Shipborne Integrated Radiocommunication System (IRCS) may be utilized to integrate all GMDSS equipment into a standard operator's console. Such installation must be certified in accordance with § 80.1103 and meet the requirements of IMO Assembly Resolution A.811(19), ''Performance Standards for a Shipborne Integrated Radiocommunication System (IRCS) When Used in the GMDSS,'' with Annex, adopted 23 November 1995. IMO Assembly Resolution A.811(19) with Annex is incorporated by reference. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of this standard can be inspected at the Federal Communications Commission, 445 12th Street, SW., Washington, DC (Reference Information Center) or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.* The IMO standards can be purchased from Publications, International Maritime Organization, 4 Albert Embankment, London SE1 7SR, United Kingdom.

* * * * *

■ 60. Amend § 80.1085 by revising paragraphs (a)(6)(i) and (a)(6)(iii) to read as follows:

§ 80.1085 Ship radio equipment—General.

* * * * *

(a) * * *

(6) * * *

(i) Capable of transmitting a distress alert through the polar orbiting satellite service operating in the 406.0–406.1 MHz band (406.0–406.1 MHz EPIRB) or, if the ship is not operating in sea area A4, as defined in § 80.1069(a)(4), the 1.6 GHz band (INMARSAT–E EPIRB)

Note to paragraph (a)(6)(1): Service to INMARSAT–E EPIRB stations terminated on December 1, 2006, so distress signals from INMARSAT–E EPIRB stations will not be received by any Rescue Coordination Center; and

* * * * *

(iii) Examined and tested annually in accordance with the IMO standard, Circular MSC/Circ.1040, Guidelines on annual testing of 406 MHz satellite EPIRBs (28 May 2002). *See* § 80.1105(k). Circular MSC/Circ.1040 is incorporated by reference. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of these standards can be inspected at the Federal Communications Commission, 445 12th Street, SW., Washington, DC (Reference Information Center) or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.* The IMO standards can be purchased from International Maritime Organization (IMO), Publications, International Maritime

Organization, 4 Albert Embankment, London SE1 7SR, United Kingdom; telephone 011 44 71 735 7611.

* * * * *

■ 61. Amend § 80.1087 by revising paragraph (a)(2) to read as follows:

§ 80.1087 Ship radio equipment—Sea Area A1.

* * * * *

(a) * * *

(2) Through the polar orbiting satellite service on 406.0–406.1 MHz or the INMARSAT–E service in the 1.6 GHz band (this requirement may be fulfilled by the EPIRB required by § 80.1085(a)(6), either by installing the EPIRB close to, or by allowing remote activation from, the position from which the ship is normally navigated).

Note to paragraph (a)(2): Service to INMARSAT–E EPIRB stations terminated on December 1, 2006, so distress signals from INMARSAT–E EPIRB stations will not be received by any Rescue Coordination Center; or

* * * * *

■ 62. Amend § 80.1089 by revising paragraph (a)(3)(i) to read as follows:

§ 80.1089 Ship radio equipment—Sea areas A1 and A2.

* * * * *

(a) * * *

(3) * * *

(i) Through the polar orbiting satellite service on 406.0–406.1 MHz or the INMARSAT–E service in the 1.6 GHz band (this requirement may be fulfilled by the EPIRB required by § 80.1085(a)(6), either by installing the EPIRB close to, or by allowing remote activation from, the position from which the ship is normally navigated).

Note to paragraph (a)(3)(i): Service to INMARSAT–E EPIRB stations terminated on December 1, 2006, so distress signals from INMARSAT–E EPIRB stations will not be received by any Rescue Coordination Center; or

* * * * *

■ 63. Amend § 80.1091 by revising paragraphs (a)(1)(i), (a)(4)(i), and (b)(3)(ii) to read as follows:

§ 80.1091 Ship radio equipment—Sea areas A1, A2, and A3.

(a) * * *

(1) * * *

(i) Transmitting and receiving distress and safety data communications;

* * * * *

(4) * * *

(i) Through the polar orbiting satellite service on 406.0–406.1 MHz or the INMARSAT–E service in the 1.6 GHz band (this requirement may be fulfilled by the EPIRB required by § 80.1085(a)(6), either by installing the EPIRB close to, or by allowing remote activation from, the position from which the ship is normally navigated).

Note to paragraph (a)(4)(i): Service to INMARSAT–E EPIRB stations terminated on December 1, 2006, so distress signals from INMARSAT–E EPIRB stations will not be received by any Rescue Coordination Center; or

* * * * *

(b) * * *

(3) * * *

(ii) Through the INMARSAT–E service in the 1.6 GHz band (this requirement may be fulfilled by the EPIRB required by § 80.1085(a)(6), either by installing the EPIRB close to, or by allowing remote activation from, the position from which the ship is normally navigated).

Note to paragraph (b)(3)(ii): Service to INMARSAT–E EPIRB stations terminated on December 1, 2006, so distress signals from INMARSAT–E EPIRB stations will not be received by any Rescue Coordination Center; or

* * * * *

■ 64. Amend § 80.1095 by revising paragraph (a) to read as follows:

§ 80.1095 Survival craft equipment.

(a) At least three two-way VHF radiotelephone apparatus must be provided on every passenger ship and on every cargo ship of 500 tons gross tonnage and upwards. At least two two-way VHF radiotelephone apparatus must be provided on every cargo ship of between 300–500 tons gross tonnage. Portable two-way VHF radiotelephones must be stowed in such locations that they can be rapidly placed in any survival craft other than life rafts required by Regulation III/26.1.4 of the SOLAS Convention. (The SOLAS Convention can be purchased from International Maritime Organization (IMO), Publications, International Maritime Organization, 4 Albert Embankment, London SE1 7SR, United Kingdom; telephone 011 44 71 735 7611, *www.imo.org.*) Alternatively, survival craft may be fitted with a fixed two-way VHF radiotelephone installation. Two-way VHF radiotelephone apparatus, portable or fixed, must conform to performance standards as specified in § 80.1101.

* * * * *

■ 65. Amend § 80.1101 by revising paragraphs (b)(4), (b)(5), (c)(2)(ii), (c)(3)(ii), (c)(4)(ii), (c)(4)(iii), (c)(5)(iii), (c)(11), (c)(13)(ii), (c)(13)(iii), (c)(13)(iv), (c)(13)(v), (c)(13)(ix), (d)(3), and (d)(4), and adding paragraphs (c)(2)(iii), (c)(3)(iii) and (c)(13)(x) to read as follows:

§ 80.1101 Performance standards.

* * * * *

(b) * * *

(4) IEC 60092–101, Edition 4.1, ''Electrical installations in ships—part 101: Definitions and general requirements,'' August 2002.

(5) IEC 60533, ''Electrical and electronic installations in ships—Electromagnetic compatibility,'' November 1999.

* * * * *

(c) * * *

(2) * * *

(ii) ITU–R Recommendation M.493–11, ''Digital Selective-calling System for Use in the Maritime Mobile Service,'' with Annexes 1 and 2, 2004.

(iii) ITU–R Recommendation M.541–9, ''Operational Procedures for the Use of Digital Selective-Calling Equipment in the Maritime Mobile Service,'' with Annexes 1 through 5, 2004.

(3) * * *

(ii) ITU–R Recommendation M.493–11, ''Digital Selective-calling System for Use in the Maritime Mobile Service,'' with Annexes 1 and 2, 2004.

(iii) ITU–R Recommendation M.541–9, ''Operational Procedures for the Use of Digital Selective-Calling Equipment in the Maritime Mobile Service,'' with Annexes 1 through 5, 2004.

(4) * * *

(ii) ITU–R Recommendation M.493–11, ''Digital Selective-calling System for Use in the Maritime Mobile Service,'' with Annexes 1 and 2, 2004.

(iii) ITU–R Recommendation M.541–9, ''Operational Procedures for the Use of Digital Selective-Calling Equipment in the Maritime Mobile Service,'' with Annexes 1 through 5, 2004.

(5) * * *

(iii) ITU–R Recommendation M.633–3, ''Transmission characteristics of a satellite emergency position-indicating radiobeacon (satellite EPIRB) system operating through a low polar-orbiting satellite system in the 406 MHz band,'' 2000.

* * * * *

(11) *INMARSAT–E EPIRBs:* Note: Service to INMARSAT–E EPIRB stations terminated on December 1, 2006, so distress signals from INMARSAT–E EPIRB stations will not be received by any Rescue Coordination Center.

(i) IMO Resolution A.812(19), ''Performance Standards for Float-Free Satellite EPIRBs Operating Through the Geostationary INMARSAT Satellite System on 1.6 GHz,'' adopted 23 November 1995, and Annex, ''Recommendation on Performance.''

(ii) IMO Resolution A.662(16), ''Performance Standards for Float-Free Release and Activation Arrangements

for Emergency Radio Equipment,'' with Annex, adopted 19 October 1989.

(iii) Recommendation ITU–R M.632–3, ''Transmission Characteristics of a Satellite Emergency Position-Indicating Radio Beacon (Satellite EPIRB) System Operating Through Geostationary Satellites in the 1.6 GHz Band,'' 1997.

(iv) IEC 61097–5, First Edition ''Global maritime distress and safety system (GMDSS)—part 5: Inmarsat-E Emergency position indicating radio beacon (EPIRB) operating through the Inmarsat system—operational and performance requirements, methods of testing and required test results,'' including Annexes A, B, and C, 1997.

(v) The INMARSAT E–EPIRBs must also comply with § 80.1063.

* * * * *

(13) * * *

(ii) IEC 61097–3 Ed 1.0, ''Global maritime distress and safety system (GMDSS)—part 3: Digital selective calling (DSC) equipment—Operational and performance requirements, methods of testing and required testing results,'' with Annexes, June 1994.

(iii) IEC 61097–4 Ed 1.0, ''Global maritime distress and safety system (GMDSS)—part 4: INMARSAT–C Ship Earth Station and INMARSAT enhanced group call (EGC) equipment—Operational and performance requirements, methods of testing and required test results,'' November 1994.

(iv) IEC 61097–6, ''Global maritime distress and safety system (GMDSS)—part 6: Narrowband direct-printing telegraph equipment for the reception of navigational and meteorological warnings and urgent information to ships (NAVTEX)—Operational and performance requirements, methods of testing and required test results,'' February 1995.

(v) IEC 61097–7, ''Global maritime distress and safety system (GMDSS)—part 7: Shipborne VHF radiotelephone transmitter and receiver—Operational and performance requirements, methods of testing and required test results,'' October 1996.

* * * * *

(ix) IEC 61097–12 Ed 1.0, ''Global maritime distress and safety system (GMDSS)—part 12: Survival craft portable two-way VHF radiotelephone apparatus—Operational and performance requirements, methods of testing and required test results,'' December 1996.

(x) IEC 61097–13, First edition, ''Global maritime distress and safety system (GMDSS)—part 13: INMARSAT F77 ship earth station equipment—Operational and performance requirements, methods of testing and required test results,'' May 2003.

(d) * * *

(3) IEC publications can be purchased from the International Electrotechnical Commission, 3 Rue de Varembe, CH–1211 Geneva 20, Switzerland, or from the American National Standards Institute (ANSI) through its NSSN operation (*www.nssn.org*), at Customer Service, American National Standards Institute, 25 West 43rd Street, New York, NY 10036, telephone (212) 642–4900.

(4) ISO Standards can be purchased from the International Organization for Standardization, 1 Rue de Varembe, CH–1211 Geneva 20, Switzerland, or from the American National Standards Institute (ANSI) through its NSSN operation (*www.nssn.org*), at Customer Service, American National Standards Institute, 25 West 43rd Street, New York, NY 10036, telephone (212) 642–4900.

* * * * *

■ 66. Amend § 80.1103 by revising paragraph (c) to read as follows:

§ 80.1103 Equipment authorization.

* * * * *

(c) Applicants for verification must attest that the equipment complies with performance standards as specified in § 80.1101 and, where applicable, that measurements have been made that demonstrate the necessary compliance. Submission of representative data demonstrating compliance is not required unless requested by the Commission. An application must include the items listed in §§ 2.953 and 2.955 of this chapter and a copy of the type-approval certification indicating that equipment meets GMDSS standards and includes all peripheral equipment associated with the specific unit under review.

* * * * *

■ 67. Amend § 80.1113 by revising paragraph (b) to read as follows:

§ 80.1113 Transmission of a distress alert.

* * * * *

(b) The format of distress calls and distress messages must be in accordance with ITU–R Recommendation M.493–11, ''Digital Selective-calling system for use in the Maritime Mobile Service,'' with Annexes 1 and 2, 2004, and ITU–R Recommendation M.541–9, ''Operational Procedures for the Use of Digital Selective-Calling Equipment in the Maritime Mobile Service,'' with Annexes 1 through 5, 2004, as specified in § 80.1101. ITU–R Recommendation M.493–11, with Annexes 1 and 2, and ITU–R Recommendation M.541–9, with Annexes 1 through 5, 2004, are incorporated by reference. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of these standards can be inspected at the Federal Communications Commission, 445 12th Street, SW., Washington, DC (Reference Information Center) or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*. The ITU–R Recommendation can be purchased from the International Telecommunication Union (ITU), Place des Nations, CH–1211 Geneva 20, Switzerland.

* * * * *

■ 68. Amend § 80.1117 by revising paragraph (a) to read as follows:

§ 80.1117 Procedure for receipt and acknowledgement of distress alerts.

(a) Normally, distress calls received using digital selective calling are only acknowledged using a DSC acknowledgement by a coast station. Ships should delay any acknowledgement in order to give sufficient time for a coast station to acknowledge the call. In cases where no acknowledgement has been heard and no distress traffic has been heard, the ship should transmit a distress alert relay to the coast station. Upon advice from the Rescue Coordination Center, the ship may transmit a DSC acknowledgement call to stop it from being repeated. Acknowledgement by digital selective calling of receipt of a distress alert in the terrestrial services must comply with ITU–R Recommendation M.541–9, ''Operational Procedures for the Use of Digital Selective-Calling Equipment in the Maritime Mobile Service,'' with Annexes 1 through 5, 2004. ITU–R Recommendation M.541–9 with Annexes is incorporated by reference. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of this standard can be inspected at the Federal Communications Commission, 445 12th Street, SW., Washington, DC (Reference Information Center) or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*. The ITU–R Recommendation can be purchased

from the International Telecommunication Union (ITU), Place des Nations, CH–1211 Geneva 20, Switzerland.

* * * * *

■ 69. Amend § 80.1123 by removing paragraph (d), redesignating paragraphs (e) and (f) as paragraphs (d) and (e), and revising paragraph (c) to read as follows:

§ 80.1123 Watch requirements for ship stations.

* * * * *

(c) Every ship while at sea must maintain, when practicable, a continuous listening watch on VHF Channel 16. This watch must be kept at the position from which the ship is normally navigated or at a position which is continuously manned.

* * * * *

■ 70. Amend § 80.1125 by revising paragraph (j)(6) to read as follows:

§ 80.1125 Search and rescue coordinating communications.

* * * * *

(j) * * *

(6) The name and call sign of the mobile station which was in distress; and

* * * * *

■ 71. Section 80.1153 is revised to read as follows:

§ 80.1153 Station log and radio watches.

(a) Licensees of voluntary ships are not required to maintain radio station logs.

(b) When a ship radio station of a voluntary ship is being operated, the appropriate general purpose watches must be maintained in accordance with §§ 80.147 and 80.310.

[FR Doc. E8–903 Filed 1–24–08; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 08–31; MB Docket No. 05–295; RM–11280]

Radio Broadcasting Services; Cumberland, KY, Glade Spring, Marion, and Weber City, VA

AGENCY: Federal Communications Commission.

ACTION: Final rule; grant of petition for reconsideration.

SUMMARY: The staff reinstates and grants a rulemaking petition filed by JBL Broadcasting, Inc., seeking the substitution of Channel 274C3 for Channel 274A at Cumberland, Kentucky, the reallotment of Channel 274C3 from Cumberland to Weber City, Virginia, and the associated modification of the license for Station WVEK–FM based upon changed circumstances that have occurred since the release of the Report and Order in this proceeding. Although JBL's rulemaking petition was denied due to short-spacings to two pending and cut-off applications, recent amendments to those applications removed the conflicts and now permit the rulemaking petition to be granted. With this action, the proceeding is terminated. *See* **SUPPLEMENTARY INFORMATION**.

DATES: Effective February 18, 2008.

FOR FURTHER INFORMATION CONTACT: Andrew J. Rhodes, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Memorandum Opinion and Order, MB Docket No. 05–295, adopted January 2, 2008, and released January 4, 2008. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or *http://www.BCPIWEB.com*.

To accommodate the reallotment of Station WVEK–FM to Weber City, Virginia, the Memorandum Opinion and Order also substituted Channel 263A for Channel 274A at Glade Spring, Virginia, and modified the construction permit for Station WFYE(FM) accordingly. It also substituted Channel 273A for Channel 263A at Marion, Virginia, and modified the license for Station WOLD–FM, accordingly. The Report and Order in this proceeding previously denied JBL Broadcasting, Inc.'s rulemaking petition. *See* 71 FR 36741 (June 28, 2006).

The reference coordinates for Channel 274C3 at Weber City, Virginia, are 36–31–36 NL and 82–35–13 WL, for Channel 263A at Glade Spring, Virginia, are 36–47–50 NL and 81–36–52 WL, and for Channel 273A at Marion, Virginia, are 36–54–10 NL and 81–32–27 WL.

JBL Broadcasting, Inc.'s proposal was formerly a rule change to Section 73.202(b), the FM Table of Allotments. *See* 70 FR 70777 (November 23, 2005). As a result of changes to the Commission's processing rules, modifications of FM channels for existing stations are no longer listed in Section 73.202(b) and are instead reflected in the Media Bureau's Consolidated Data Base System (CDBS). *See Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services,* Report and Order, 71 FR 76208 (December 20, 2006). Nevertheless, a summary of the Memorandum Opinion and Order in the instant proceeding is being published in the **Federal Register** because part of JBL's proposal involved a channel substitution for a then vacant allotment at Glade Spring. Although the Memorandum Opinion and Order set forth an effective date of February 18, 2008, the modifications to the authorizations for Stations WVEK–FM, WFYE (FM), and WOLD–FM will be effective 30 days after publication of this summary in the **Federal Register** in compliance with Sections 1.427 and 1.429 of the Commission's rules.

This document is not subject to the Congressional Review Act. (The Commission is, therefore, not required to submit a copy of this Report and Order to GAO, pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A) because no changes are being made 47 CFR Section 73.202(b)).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E8–1321 Filed 1–24–08; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 08–30; MB Docket No. 07–131; RM–11377]

Radio Broadcasting Services; Live Oak, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Audio Division, at the request of RTG Radio, LLC, deletes vacant Channel *259A at Live Oak, Florida, from the FM Table of Allotments, and, in its place, allots Channel *261A at Live Oak as the community's first local FM service. Channel *261A can be allotted to Live Oak, Florida, in compliance with the Commission's minimum distance separation requirements with a site

restriction of 10.4 km (6.5 miles) south of Live Oak at the following reference coordinates: 30–12–26 North Latitude and 83–01–26 West Longitude.

DATES: Effective February 21, 2008.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Deborah Dupont, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MB Docket No. 07–131, adopted January 2, 2008, and released January 7, 2008. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. The complete text of this decision also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC, 20554, (800) 378–3160, or via the company's Web site, *http://www.bcpiweb.com.* The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ As stated in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Florida, is amended by removing Channel *259A, and by adding Channel *261A at Live Oak.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E8–1330 Filed 1–24–08; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 08–29; MB Docket No. 07–143; RM–11381]

Radio Broadcasting Service; Charlo, MT

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Audio Division grants a petition for rulemaking filed by Spanish Peaks Broadcasting, Inc. for a new allotment at Charlo, Montana. Channel 251C3 can be allotted at Charlo, Montana, in compliance with the Commission's technical engineering requirements, at 47–32–20 North Latitude and 114–08–52 West Longitude with a site restriction of 11.3 kilometers (7.0 miles) north of Charlo, Montana.

DATES: Effective February 18, 2008.

ADDRESSES: Secretary, Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: R. Barthen Gorman, Media Bureau, (202) 418–2187.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MB Docket No. 07–143, adopted January 2, 2008, and released January 4, 2008. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY–A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or *http://www.BCPIWEB.com.* The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ As stated in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Montana, is amended by adding Charlo, Channel 251C3.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E8–1335 Filed 1–24–08; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 070213032–7032–01]

RIN 0648–XF20

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 610 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2008 total allowable catch (TAC) of pollock for Statistical Area 610 in the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), January 22, 2008, through 1200 hrs, A.l.t., March 10, 2008.

FOR FURTHER INFORMATION CONTACT: Jennifer Hogan, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season allowance of the 2008 TAC of pollock in Statistical Area 610 of the GOA is 3,322 metric tons (mt) as established by the 2007 and 2008 harvest specifications for groundfish of the GOA (72 FR 9676, March 5, 2007) and inseason adjustment (73 FR 1831, January 10, 2008).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the A season allowance of the 2008 TAC of pollock in Statistical Area 610 of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 3,307 mt, and is setting aside the remaining 15 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 610 of the GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of pollock in Statistical Area 610 of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 17, 2008.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 18, 2008.

Emily H. Menashes

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 08–295 Filed 1–22–08; 1:24 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 070213032–7032–01]

RIN 0648–XF21

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 630 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2008 total allowable catch (TAC) of pollock for Statistical Area 630 in the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), January 22, 2008, through 1200 hrs, A.l.t., March 10, 2008.

FOR FURTHER INFORMATION CONTACT: Jennifer Hogan, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season allowance of the 2008 TAC of pollock in Statistical Area 630 in the GOA is 3,069 metric tons (mt) as established by the 2007 and 2008 harvest specifications for groundfish of the GOA (72 FR 9676, March 5, 2007) and inseason adjustment (73 FR 1831, January 10, 2008).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the A season allowance of the 2008 TAC of pollock in Statistical Area 630 in the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 2,769 mt, and is setting aside the remaining 300 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 630 in the GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of pollock in Statistical Area 630 in the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 17, 2008.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 18, 2008.

Emily H. Menashes

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 08–294 Filed 1–22–08; 1:26 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 070213033–7033–01]

RIN 0648–XD68

Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closures and openings.

SUMMARY: NMFS is prohibiting directed fishing for Atka mackerel in the Eastern Aleutian District and the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI) for vessels participating in the BSAI trawl limited access fishery. This action is necessary to prevent exceeding the 2008 A season total allowable catch (TAC) of Atka mackerel in these areas for vessels participating in the BSAI trawl limited access fishery. NMFS is also announcing the opening and closing dates of the first and second directed fisheries within the harvest limit area (HLA) in Statistical Areas 542 and 543. These actions are necessary to conduct directed fishing for Atka mackerel in the HLA in areas 542 and 543.

DATES: The effective dates are provided in Table 1 under the **SUPPLEMENTARY INFORMATION** section of this temporary action.

FOR FURTHER INFORMATION CONTACT: Jennifer Hogan, 908–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2008 A season TAC of Atka mackerel for vessels participating in the BSAI trawl limited access fishery in the Eastern Aleutian District (Statistical Area 541) and the Bering Sea subarea was established as 142 metric tons (mt) by the 2007 and 2008 final harvest specifications for groundfish in the BSAI (72 FR 9451, March 2, 2007) and revision (72 FR 71802, December 19, 2007). See § 679.20(a)(8)(ii) and (c)(3)(iii).

In accordance with § 679.20(d)(1)(i) and (d)(1)(ii)(B), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that 142 mt of the 2008 A season Atka mackerel TAC for vessels participating in the BSAI trawl limited access fishery in the Eastern Aleutian District and the Bering Sea subarea will be necessary as incidental catch to support other anticipated groundfish fisheries. Therefore, the Regional Administrator is establishing a directed fishing allowance of 0 mt. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Atka mackerel in the Eastern Aleutian District and the Bering Sea subarea for vessels participating in the A season BSAI trawl limited access fishery.

In accordance with § 679.20(a)(8)(iii)(C), the Regional Administrator is opening the first directed fisheries for Atka mackerel within the HLA in areas 542 and 543, 48 hours after prohibiting directed fishing for Atka mackerel in the Eastern Aleutian Island District and the Bering Sea subarea. The Regional Administrator has established the opening date for the second HLA directed fisheries as 48 hours after the last closure of the first HLA fisheries in either are 542 or 543. Consequently, NMFS is opening and closing directed fishing for Atka mackerel in the HLA of areas 542 and 543 in accordance with the periods listed under Table 1 of this notice.

TABLE 1.—EFFECTIVE DATES AND TIMES

Action	Area	Effective date[1]	
		From	To
Closing Atka Mackerel for vessels participating in the BSAI trawl limited access fishery.	Eastern Aleutian District (541) and the Bering Sea subarea.	1200 hrs, January 20, 2008 ..	1200 hrs, September 1, 2008.
Opening the first and second directed fishery in the HLA for the Amendment 80 cooperative.	542	1200 hrs, January 22, 2008 ..	1200 hrs, February 5, 2008.
	543	1200 hrs, February 7, 2008 ...	1200 hrs, February 21, 2008.
Opening the first and second directed fishery in the HLA for vessels participating in the Amendment 80 limited access sector.	542 and 543	1200 hrs, January 22, 2008 ..	1200 hrs, February 5, 2008.
	542 and 543	1200 hrs, February 7, 2008 ...	1200 hrs, February 21, 2008.

[1] Alaska local time.

In accordance with § 679.20(a)(8)(iii)(A) and § 679.20(a)(iii)(B), vessels using trawl gear for directed fishing for Atka mackerel have previously registered with NMFS to fish in the HLA fisheries in areas 542 and 543. NMFS has randomly assigned each vessel to the directed fishery or fisheries for which they have registered. NMFS has notified each vessel owner as to which fishery each vessel has been assigned by NMFS (73 FR 3218, January 17, 2008).

In accordance with the 2007 and 2008 final harvest specifications for groundfish in the BSAI (72 FR 9451, March 2, 2007) and revision (72 FR 71802, December 19, 2007), and § 679.20(a)(8)(ii)(C)(*1*), the HLA limits of the A season allowance of the 2008 TACs in areas 542 and 543 are 3,479 mt and 2,525 mt, respectively, for vessels participating in the Amendment 80 limited access fishery. The HLA limits of the A season allowance of the 2008 TACs in areas 542 and 543 are 2,294 mt and 1,571 mt, respectively, for Amendment 80 cooperatives. In accordance with § 679.20(a)(8)(iii)(E), the Regional Administrator has established the closure dates of the Atka mackerel directed fisheries in the HLA for areas 542 and 543 based on the amount of the harvest limit and the estimated fishing capacity of the vessels assigned to the respective fisheries. Consequently, NMFS is prohibiting directed fishing for Atka mackerel in the HLA of areas 542 and 543 in accordance with the dates and times listed in Table 1 of this notice.

After the effective dates of the closures, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA) finds good cause to waive the

requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such a requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of the Atka mackerel fishery in the Eastern Aleutian District and the Bering Sea subarea for vessels participating in the BSAI trawl limited access fishery and the opening and closing of the fisheries for the HLA limits established for area 542 and area 543 pursuant to the 2008 Atka mackerel TAC. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 11, 2008. The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801, *et seq.*

Dated: January 18, 2008.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 08–272 Filed 1–18–08; 3:04 pm]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 73, No. 17
Friday, January 25, 2008

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–0070; Directorate Identifier 2007–CE–098–AD]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Model PC–12, PC–12/45, and PC–12/47 Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. This proposed AD would require inserting changes into the airworthiness limitations of the FAA-approved maintenance program. The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by February 25, 2008.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2008–0070; Directorate Identifier 2007–CE–098–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

Based on the results of a full-scale fatigue test of the pitch trim actuator on Pilatus Aircraft Ltd. (Pilatus) PC–12 series airplanes, the life-limit is being extended and the time between overhaul (TBO) is being reduced. In addition, based on the result of the fatigue test, a life-limit of the pitch trim actuator attachment has been established.

These new limitations have been incorporated into the Airworthiness Limitations section of the Pilatus PC–12 Airplane Maintenance Manual (AMM) 12–A/AMP–04, chapter 4, revision 10, dated October 26, 2007. The life-limit of the pitch trim actuator has been increased based on the owner/operator complying with the new reduced TBO of 5,000 hours time-in-service (TIS) or 5 years, whichever occurs first.

The new limitations for the pitch trim actuator TBO have been moved from Chapter 5: Time Limits/Maintenance Checks, to Chapter 4: Structural, Component and Miscellaneous—Airworthiness Limitations. Since both chapter 4 and chapter 5 are mandatory within the European and Swiss airworthiness systems, it is not necessary for the European Aviation Safety Agency (EASA) and the Federal Office of Civil Aviation (FOCA) to issue an AD to mandate these new limitations.

Proposing AD action is the only way the FAA can mandate change to the airworthiness limitations section of an FAA-approved maintenance program.

If these new limitations are not mandated, the pitch trim actuator and the pitch trim actuator components could fail. This failure could lead to an unsafe flying configuration.

Revisions to the Airworthiness Limitations section of AMM 12–A/AMP–04 incorporate the following:

- TBO for the pitch trim actuator is reduced from 6,000 hours TIS or 5 years, whichever occurs first, to 5,000 hours TIS or 5 years, whichever occurs first;
- The life-limit for the pitch trim actuator is increased from 10,000 hours TIS or 13,500 flights, whichever occurs first, to 20,000 hours TIS or 27,000 flights, whichever occurs first; and
- A life-limit of 10,000 hours TIS is introduced for the pitch trim actuator attachment parts.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Differences Between This Proposed AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a NOTE within the proposed AD.

Costs of Compliance

We estimate that this proposed AD would affect about 500 products of U.S. registry. We also estimate that it would take about .5 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is $80 per work-hour.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $20,000, or $40 per product.

In addition, we estimate that any necessary follow-on actions (the replacements required by the limitations changes) would take about 3.5 work-hours and require parts costing $11,960, for a cost of $12,240 per product.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new AD:

Pilatus Aircraft Ltd.: Docket No. FAA–2008–0070; Directorate Identifier 2007–CE–098–AD.

Comments Due Date

(a) We must receive comments by February 25, 2008.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Models PC–12, PC–12/45, and PC–12/47 airplanes, all serial numbers, certificated in any category.

Subject

(d) Air Transport Association of America (ATA) Code 27: Flight Controls.

Reason

(e) This AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. We are issuing this AD to mandate new life-limits for the pitch trim actuator and pitch trim actuator attachment parts. If these new limitations are not mandated, the pitch trim actuator and the pitch trim actuator components could fail. This failure could lead to an unsafe flying configuration.

Actions and Compliance

(f) Unless already done, do the following within the next 30 days after the effective date of this AD.

(1) Insert unclassified document 12–A/AMP–04, Structural, Component and Miscellaneous—Airworthiness Limitations, 12–A–04–00–00–00A–000A–A, dated October 26, 2007 (Pilatus PC–12 Airplane Maintenance Manual, Chapter 4), into the airworthiness limitations section of the FAA-approved maintenance program (e.g., maintenance manual). You may use any future amendment to this airworthiness limitations section provided it does not change the inspection intervals, requirements, or the life-limits for the pitch trim actuator and pitch trim actuator attachment parts of the document referenced above. The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) may do this action. Make an entry in the aircraft records showing compliance with this portion of the AD following section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).

(2) In order to avoid confusion with the new pitch trim actuator limitations now contained in chapter 4 (previously contained in chapter 5) make pen and ink changes in chapter 5 and line through references to limitations for the pitch trim actuator.

FAA AD Differences

Note: This AD differs from the MCAI and/or service information as follows: No differences.

Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has

approved the information collection requirements and has assigned OMB Control Number 2120–0056.

Issued in Kansas City, Missouri, on January 17, 2008.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E8–1245 Filed 1–24–08; 8:45 am]

BILLING CODE 4910–13–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 3 and 30

RIN 3038–AC26

Exemption From Registration for Certain Firms With Regulation 30.10 Relief

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rules.

SUMMARY: The Commodity Futures Trading Commission (''Commission'') is proposing to amend the regulations regarding the registration of certain firms located outside the U.S. that are engaged in commodity interest activities with respect to trading on U.S. designated contract markets (''DCMs'') and U.S. derivative transaction execution facilities (''DTEFs'').[1] The amended regulation would codify past actions of the Commission's staff permitting certain foreign firms that have confirmed relief from registration as futures commission merchants (''FCMs'') in accordance with the regulations to introduce to registered FCMs certain U.S. customers in connection with trading U.S. DCM and DTEF listed futures and commodity options without having to register as an introducing broker pursuant to section 4d of the Commodity Exchange Act (''Act''). The Commission also is proposing to revoke the regulations regarding quarterly reporting requirements for foreign futures and foreign options transactions.

DATES: Comments must be received on or before February 25, 2008.

ADDRESSES: Comments may be submitted, identified by RIN 3038–AC26, by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.
- E-mail: *secretary@cftc.gov.* Include ''Exemption from Registration for Certain Firms with Regulation 30.10 Relief'' in the subject line of the message.
- Fax: 202/418–5521.
- Mail or Courier: Send to David Stawick, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st St., NW., Washington, DC 20581.

All comments received will be posted without change to *http://www.cftc.gov*, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Andrew V. Chapin, Special Counsel, at (202) 418–5465, Division of Clearing and Intermediary Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. Electronic mail: *achapin@cftc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background Information

A. Registration Requirements for Commodity Interest Activities on U.S. Markets

Part 3 of the Commission's regulations governs the registration of intermediaries engaged in the offer and sale of, and providing advice concerning, futures and commodity options traded on U.S. markets, including both DCMs and DTEFs. In particular, Regulation 3.10 sets forth the manner in which FCMs, introducing brokers (''IBs''), commodity trading advisors (''CTAs''), commodity pool operators (''CPOs'') and leverage transaction merchants must apply for registration with the Commission. Regulation 3.10(c) also provides an exemption from registration for certain persons. For example, Regulation 3.10(c)(1) provides an exemption from registration as an FCM for any person trading solely for proprietary accounts, as defined in Regulation 1.3(y).

The Commission recently adopted amendments to Regulation 3.10(c) to codify the Commission's longstanding policy towards certain foreign intermediaries, known as foreign brokers.[2] New Regulation 3.10(c)(2) provides an exemption from registration as an FCM to any foreign broker that limits its customers to persons located outside the U.S. and submits transactions executed on U.S. exchanges for clearing on an omnibus basis through a registered FCM. The Commission also promulgated Regulation 3.10(c)(3) to provide an exemption from registration to any foreign person engaged in the activity of an introducing broker, commodity pool operator or commodity trading advisor solely on behalf of customers located outside the U.S., provided that all commodity interest transactions are submitted for clearing to a registered FCM.[3]

B. Part 30 of the Commission's Regulations

In 1987, the Commission adopted a new Part 30 of its regulations to govern the offer and sale to U.S. persons of futures and option contracts entered into on or subject to the rules of a foreign board of trade.[4] These regulations were promulgated pursuant to Sections 2(a)(1)(A), 4(b) and 4c of the Act, which vest the Commission with exclusive jurisdiction over the offer and sale, in the U.S., of futures and commodity option contracts traded on or subject to the rules of a board of trade, exchange or market located outside of the U.S.

Part 30 sets forth regulations governing foreign futures and foreign option transactions executed on behalf of customers located in the U.S., referred to in the regulations as foreign futures or foreign options customers.[5] For example, Regulation 30.4 requires any person engaged in the activities that are described in the regulation to register with the Commission as an FCM, IB, CPO or CTA, respectively, unless such person claims relief from registration under Part 30. The activities described in Regulation 30.4 essentially are similar to those of an FCM, IB, CPO or CTA defined in the Act, except that the transactions that the person intermediates are conducted on or subject to the rules of a foreign board of trade. The transactions that are subject to regulation and require registration under Part 30 include the solicitation or acceptance of orders for trading any foreign futures or foreign option contract and acceptance of money, securities or property to margin, guarantee or secure any foreign futures or foreign option trades or contracts.[6]

Under Part 30, certain persons located outside the U.S. may obtain an exemption from registration and certain other requirements. For example, under Regulation 30.10 and Appendix A thereto, the Commission may exempt a foreign firm that solicits or accepts orders (and accepts money, securities or property to margin the trades made thereto) from customers located in the U.S. from compliance with certain

[1] Commission regulations referred to herein are found at 17 CFR Ch. I (2007). References to trading on U.S. DCMs or DTEFs shall include trading that is subject to the rules of such entities as well.

[2] 72 FR 63976 (November 14, 2007).

[3] *Id.*

[4] 52 FR 28980 (August 5, 1987).

[5] Regulations 30.1(a), (b) and (c), define the terms ''foreign futures,'' ''foreign options,'' and ''foreign futures or foreign options customer,'' respectively.

[6] *See* Regulation 30.4.

Commission rules, including those rules pertaining to registration, provided that a comparable regulatory system exists in the firm's home country and that certain safeguards are in place to protect U.S. investors, including an information-sharing arrangement between the Commission and the firm's home country regulator.[7] Relief from registration pursuant to Regulation 30.10 does not extend to any activities related to acting as an intermediary with respect to trading, directly or indirectly, on any U.S. exchanges.

C. Interpretation of the Rule 30.10 Exemption

The Division of Clearing and Intermediary Oversight (''Division'') has issued a series of no-action letters that permit, in limited circumstances, a foreign firm exempt from FCM registration pursuant to Regulation 30.10 (''Regulation 30.10 firm''), to intermediate transactions executed on U.S. exchanges on behalf of U.S. customers. Specifically, the Division confirmed that it would not recommend that the Commission commence any enforcement action against certain FCMs and affiliated Regulation 30.10 firms if such unregistered affiliates introduced certain sophisticated U.S. customers to a registered FCM for the purpose of trading on U.S. designated contract markets.[8] The relief in each no-action letter issued by the Division was predicated upon the relevant FCM's acknowledgment that it would be jointly and severally liable for any violations of the Act or the Commission's regulations committed by the foreign affiliate in connection with those activities, even if the FCM did not submit the trade for clearing. In addition, the no-action relief required that all U.S. customers be introduced on a fully-disclosed basis, and that any non-U.S. affiliate would not be permitted either to solicit any U.S. customer or handle any U.S. customer funds for trading on U.S. markets.

In granting the above no-action relief, the Division recognized that a U.S. institutional customer may achieve greater operational and economic efficiencies by eliminating the need to use multiple order entry systems to engage in transactions in both U.S. and non-U.S. markets. In addition, the Division acknowledged that, by consolidating orders into a single execution system, an intermediating FCM may mitigate more effectively the increased systemic and liquidity risks associated with such activities.

Given that the no-action relief provided by the Division applies only to the recipients of each no-action letter, the Commission believes that it may be appropriate to provide relief for all FCMs and their affiliates that provide brokerage services to U.S. institutional investors in like cirumstances. Like those FCMs addressed by the Division's no-action relief, these FCMs also have institutional U.S. customers that trade globally throughout the 24-hour trading day, and who currently must use multiple order entry systems to execute transactions both domestically and abroad. Accordingly, the Commission has determined to propose to amend Regulation 3.10(c) to address the issue without the need for separate no-action letters, and invites public comment on all aspects of the proposed rule.

II. Proposed Regulations

The Commission proposes to codify the staff interpretations described in Section I.C above. Specifically, the Commission proposes to promulgate Regulation 3.10(c)(4) to exempt from registration as an IB a firm located outside the U.S. that introduces certain sophisticated U.S. customers to a registered FCM for the purpose of trading on a DCM or DTEF. The exemption would be limited to those foreign firms that are affiliated with an FCM and have obtained confirmation of relief pursuant to the terms and conditions of an order issued by the Commission pursuant to Regulation 30.10. Any account introduced pursuant to this exemption must be introduced on a fully-disclosed basis in accordance with Regulation 1.57 and the foreign firm would not be permitted to solicit any U.S. customers nor handle any U.S. customer funds for trading on U.S. markets. The Commission has proposed to limit the exemption in Regulation 3.10(c)(4) to Regulation 30.10 firms because Regulation 30.10 relief is predicated on the existence of a comparable regulatory program in the jurisdiction in which the affiliate is located, and the presence of certain safeguards to protect U.S. investors, including standards for fitness and an information-sharing arrangement between the Commission and the authorities in the affiliate's home country.

The Commission notes that the Division's existing no-action letters provide exemptive relief to foreign firms acting on behalf of certain ''institutional'' and ''commercial'' entities. In search of a workable universal standard, the Commission has proposed to structure the exemption so as to limit the offer and sale of U.S. contracts to institutional customers, as defined in Regulation 1.3(g). The Commission also proposes Regulation 3.10(c)(6) that, for the purposes of this regulation, the term ''affiliate'' means any person that: (i) Owns 50 percent or more of the FCM; (ii) is owned 50 percent or more by the FCM; or (iii) is owned 50 percent or more by a third person that also owns 50 percent or more of the FCM.[9]

Consistent with the terms and conditions of relief established by the Division in the no-action process, the Commission also proposes to predicate the availability of the exemption upon the relevant FCM's acknowledgment, to be filed with NFA pursuant to proposed Regulation 3.10(c)(4)(iii), that it would be jointly and severally liable for any violations of the Act or the Commission's regulations committed by the foreign affiliate in connection with those activities, even if the FCM ultimately did not submit the trade for clearing. As such, the Commission has proposed to limit the exemption to firms affiliated with an FCM so that the FCM may maintain the appropriate level of oversight to ensure that the foreign affiliate complies with the conditions for relief as set forth in the proposed regulation.

Proposed regulation 3.10(c)(4), in keeping with the no-action letters issued to date, prohibits the firm wishing to take advantage of the IB registration exemption from soliciting customer orders for trading on U.S. exchanges. This registration exemption only is intended to be a convenience for institutional customers so that they need not use multiple order entry processes to transact related business. For example, an institutional customer seeking to establish a position on the London Metal Exchange (LME) may desire to hedge that position with contracts listed on the New York Mercantile Exchange (NYMEX). Absent relief, a Regulation 30.10 firm executing and/or submitting for clearing the LME transaction may not participate in the

[7] *See* Appendix A to Part 30; 62 FR 47792 (September 11, 1997).

[8] *See, e.g.*, CFTC Letter 07–23, [Current Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶_____ (November 23, 2007).

[9] *See, e.g.*, CFTC Staff Letter 07–06, [Current Transfer Binder], Comm. Fut. L. Rep. (CCH) ¶ _____ at _____, n.3 (May 24, 2007). CFTC Letter 07–06 is one of a series of letters issued by the Division of Market Oversight that permits members of a particular foreign exchange located in the U.S. to connect directly to the foreign exchange's order and trade matching system without the exchange having to register as a DCM or DTEF. For the purposes of the no-action relief, the term ''members'' includes ''affiliates'' as defined consistent with this proposal. The Commission notes that, as a condition of the no-action relief, members connected directly to the foreign exchange are ultimately responsible for the conduct of any affiliate.

acceptance of orders for any NYMEX contracts. Pursuant to the proposed regulation, a Regulation 30.10 firm may introduce the institutional customer to a registered FCM for the purposes of submitting the NYMEX transaction for clearing, provided that the institutional customer initiates the transaction.

The exemption from registration also is not intended to be used by firms as a promotional vehicle. The proposed regulation would not permit a Regulation 30.10 firm to solicit new customers based on its ability to access U.S. markets. As stated above, the Commission is proposing to create a limited-purpose exemption from IB registration so that existing institutional customers may reduce transactional costs associated with the use of multiple order entry processes.

The Commission also notes that the proposed amendments to Regulation 3.10(c) are intended to provide a limited-purpose registration exemption available only to those foreign firms engaging in *bona fide* global futures brokerage activities on behalf of institutional customers located in the U.S. Absent such relief, these firms would be required to register with the Commission in the appropriate capacity, because the applicable Regulation 30.10 relief does not extend to brokerage activities undertaken, directly or indirectly, on U.S. exchanges on behalf of any U.S. person. A foreign firm not engaged in *bona fide* global futures brokerage activities on behalf of institutional customers, *e.g.*, a firm limiting its brokerage activities on behalf of U.S. customers to trading solely on U.S. exchanges, may not rely on the proposed exemptions to circumvent the IB registration requirement. An FCM submitting the acknowledgment set forth in proposed Regulation 3.10(c)(4)(iii) could be held liable for any violations of a foreign affiliate in an attempt to circumvent the Commission's registration requirements in this regard.

The Commission further notes that proposed Regulation 3.10(c)(4) would replace prior staff letters as the sole source of authorization for those unregistered foreign firms that introduce to an FCM U.S. customers for the purpose of trading on U.S. markets.[10] A firm that fails to comply with any of the terms or conditions of the applicable Regulation 30.10 order, including a failure to comply with any element of the regulatory program on which relief was predicated, would make the firm ineligible for relief set forth in proposed Regulation 3.10(c)(4).

In each of the existing no-action letters on this subject cited in the footnote, the Division considered the size of the FCM and its relationship with its particular non-U.S. affiliate prior to determining that relief would not be contrary to the public interest. More specifically, the Division determined that the financial strength and organizational structure of each FCM provided a reasonable basis upon which to rely that it could honor the acknowledgement of joint and several liability. Accordingly, the Commission solicits comments as to whether it would be appropriate to establish minimum capital or other standards for the affiliated FCM as a condition for exemptive relief.[11]

The Commission also solicits comment as to whether the proposed limited-purpose registration exemption should be extended to otherwise qualified foreign persons that advise institutional customers for the purposes of trading on U.S. markets. This relief would be available, for example, to the foreign affiliate of an FCM that provides trading advice tailored to the particular circumstances of U.S. customers that meet the institutional customer standards regarding the trading of both domestic and foreign futures as part of an overall global strategy.

The Commission also is proposing to revoke Regulation 30.8. Regulation 30.8 requires each FCM to provide NFA with a quarterly report containing data for the total volume of foreign futures and options contracts effected on foreign boards of trade. From its experience, the Commission recognizes that FCMs are engaging in both domestic and foreign futures and options transactions on behalf of customers located in the U.S., and therefore are subject to other extensive reporting and recordkeeping requirements set forth in Part 1 of its regulations. As such, the Commission believes that the reporting requirement set forth in Regulation 30.8 is overly burdensome and no longer necessary. The Commission solicits comments as to whether remaining reporting requirements are sufficient for FCMs engaged in foreign futures and options transactions on behalf of customers located in the U.S.

III. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601–611, requires that agencies, in proposing regulations, consider the impact of those regulations on small businesses. The Commission has previously established certain definitions of ''small entities'' to be used by the Commission in evaluating the impact of its regulations on such entities in accordance with the RFA.[12] The Commission previously has determined that registered FCMs are not small entities for the purpose of the RFA because each FCM has an underlying fiduciary relationship with its customers, regardless of the size of the FCM.[13] The Commission notes that the foreign persons affected by the proposed changes to the Commission's regulations would be registered as FCMs if not for the exemption provided therein and, as such, would maintain a fiduciary relationship with customers similar to the relationship maintained by each registered FCM. Therefore, the Acting Chairman, on behalf of the Commission, hereby certifies, pursuant to 5 U.S.C. 605(b), that these proposed regulations will not have a significant economic impact on a substantial number of small entities. Nonetheless, the Commission specifically requests comment on the impact these proposed rules may have on small entities.

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.* (Supp. I 1995)) imposes certain requirements on federal agencies (including the Commission) in connection with their conducting or sponsoring any collection of information as defined by the PRA.

While the proposed rule discussed herein has no burden, the group of rules (3038–0023, Rules, Regulations and Forms for Domestic and Foreign Futures and Options Related to Registration with the Commission) of which it is a part has the following burden:

Average Burden Hours per Response: 18.11.

Number of Respondents: 76,750.

Frequency of Response: Annually and on occasion.

The Office of Management and Budget (''OMB'') approved the collection of information associated with this group of rules on August 17, 2004. Copies of the OMB-approved information collection submission are available from

[10] The following letters for no-action relief will be superceded if the proposed rules are adopted: CFTC Letters 03–28, 04–09, 04–14, 05–06, 07–05, 07–08, 07–16, 07–17, 07–20 and 07–23. The Commission seeks comments from any party adversely affected by the determination to rescind these CFTC Letters.

[11] *Compare* Regulation 30.12, 17 CFR 30.12 (Direct Foreign Order Transmittal). Pursuant to Regulation 30.12(b)(1)(i), an FCM must possess, for example, $20,000,000 in adjusted net capital in order for one of its ''authorized customers'' to engage in direct foreign order transmittal with an unregistered foreign futures and options broker for the purpose of trading foreign futures or options through the FCM's customer omnibus account.

[12] 47 FR 18618–18621 (April 30, 1982).

[13] 47 FR 18619–18620.

the CFTC Clearance Officer, 1155 21st Street, NW., Washington, DC 20581, (202) 418–5160.

C. Costs and Benefits of the Proposed Rules

Section 15(a) of the Act requires the Commission to consider the costs and benefits of its actions before issuing new regulations under the Act. By its terms, Section 15(a) does not require the Commission to quantify the costs and benefits of new regulations or to determine whether the benefits of the proposed regulations outweigh their costs. Rather, Section 15(a) requires the Commission to ''consider the cost and benefits'' of the subject regulations.

Section 15(a) further specifies that the costs and benefits of the proposed regulations shall be evaluated in light of five broad areas of market and public concern: (1) Protection of market participants and the public; (2) efficiency, competitiveness, and financial integrity of futures markets; (3) price discovery; (4) sound risk management practices; and (5) other public interest considerations. The Commission may, in its discretion, give greater weight to any one of the five enumerated areas of concern and may, in its discretion, determine that, notwithstanding its costs, a particular regulation is necessary or appropriate to protect the public interest or to effectuate any of the provisions or to accomplish any of the purposes of the Act.

The proposed regulations should foster the protection of market participants and the public by providing greater legal certainty to the commodity interest activities of persons located outside the U.S. As the activity set forth in the proposed regulations presently is permitted under staff interpretation and no-action, the proposed regulations should have no material impact from the standpoint of imposing costs or creating benefits, on efficiency, competitiveness and financial integrity of financial markets, price discovery, sound risk management practices, or any other public interest considerations.

List of Subjects

17 CFR Part 3

Definitions, Foreign futures, Consumer protection, Foreign options, Registration requirements.

17 CFR Part 30

Definitions, Foreign futures, Consumer protection, Foreign options, Registration requirements.

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act and, in particular, sections 2(a)(1), 4(b), 4c and 8a thereof, 7 U.S.C. 2, 6(b), 6c and 12a (1982), and pursuant to the authority contained in 5 U.S.C. 552 and 552b (1982), the Commission hereby proposes to amend Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 3—REGISTRATION

1. The authority citation for part 3 continues to read as follows:

Authority: 5 U.S.C. 522, 522b; 7 U.S.C. 1a, 2, 4, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6k, 6m, 6n, 6o, 6p, 8, 9, 9a, 12, 12a, 13b, 13c, 16a, 18, 19, 21, 23, unless otherwise noted.

2. Section 3.10 is amended by adding paragraph (c)(4) to read as follows:

§ 3.10 Registration of futures commission merchants, introducing brokers, commodity trading advisors, commodity pool operators and leverage transaction merchants.

* * * * *

(c) *Exemption from registration for certain persons.*

* * * * *

(4) A person located outside the United States, its territories or possessions that is exempt from registration as a futures commission merchant in accordance with § 30.10 of this chapter is not required to register as an introducing broker in accordance with section 4d of the Act if:

(i) Such a person is affiliated with a futures commission merchant registered in accordance with section 4d of the Act;

(ii) Such a person introduces, on a fully-disclosed basis in accordance with § 1.57 of this chapter, any institutional customer, as defined in § 1.3(g) of this chapter, to a registered futures commission merchant for the purpose of trading on a designated contract market or derivatives execution facility;

(iii) Prior to a person located outside the United States, its territories or possessions, that is exempt from registration as a futures commission merchant pursuant to § 30.10 of this chapter, engaging in the introducing activities described in this paragraph, the affiliated futures commission merchant has filed with the National Futures Association (ATTN: Vice President, Compliance) an acknowledgement that it will be jointly and severally liable for any violations of the Act or the Commission's regulations committed by such person in connection with those introducing activities, whether or not the affiliated futures commission merchant submits for clearing any trades resulting from those introducing activities; and

(iv) Such person does not solicit any person located in the United States, its territories or possessions for trading on a designated contract market or derivatives transaction execution facility, nor does such person handle the customer funds of any person located in the United States, its territories or possessions for the purpose of trading on any designated contract market or derivatives transaction execution facility.

(v) For the purposes of this paragraph, a person shall be affiliated with a futures commission merchant if such a person:

(A) Owns 50 percent or more of the futures commission merchant;

(B) Is owned 50 percent or more by the futures commission merchant; or

(C) Is owned 50 percent or more by a third person that also owns 50 percent or more of the futures commission merchant.

* * * * *

PART 30—FOREIGN FUTURES AND FOREIGN OPTIONS TRANSACTIONS

3. The authority citation for part 30 continues to read as follows:

Authority: 7 U.S.C. 1a, 2, 4, 6, 6c, and 12a, unless otherwise noted.

§ 30.8 [Removed and reserved]

4. Section 30.8 is removed and reserved:

Dated: January 15, 2008.

By the Commission.

David Stawick,

Secretary of the Commission.

[FR Doc. E8–979 Filed 1–24–08; 8:45 am]

BILLING CODE 6351–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[EPA–R05–OAR–2007–1198; FRL–8521–4]

State Operating Permits Program; Ohio; Revision to the Acid Rain Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve into the Ohio operating permits program revisions submitted by the State of Ohio for the purpose of amending the Acid Rain Permits and Compliance portion of the program. The changes made to OAC 3745–103, which comprises the revisions, include rules for phase II acid rain permits and new information on items incorporated by reference.

DATES: Comments must be received on or before February 25, 2008.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2007–1198, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.

2. *E-mail: angelbeck.richard@epa.gov.*

3. *Fax:* (312) 886–5824.

4. *Mail:* Pamela Blakley, Chief, Air Permits Section, Air Programs Branch (AR 18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

5. *Hand Delivery:* At the previously listed EPA Region 5 address. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding Federal holidays.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

FOR FURTHER INFORMATION CONTACT: Richard Angelbeck, Environmental Scientist, Air Permits Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–9698, *angelbeck.richard@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules section of this **Federal Register**, EPA is approving the State's operating permits program revision submittal as a direct final rule without prior proposal, because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule, and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: January 15, 2008.

Margaret Guerriero,

Acting Regional Administrator, Region 5.

[FR Doc. E8–1319 Filed 1–24–08; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 424

[CMS–6036–P]

RIN 0938–AO90

Medicare Program; Establishing Additional Medicare Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Supplier Enrollment Safeguards

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Proposed rule.

SUMMARY: This proposed rule clarifies, expands, and adds to the existing enrollment requirements that Durable Medical Equipment and Prosthetics, Orthotics, and Supplies (DMEPOS) suppliers must meet to establish and maintain billing privileges in the Medicare program.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on March 25, 2008.

ADDRESSES: In commenting, please refer to file code CMS–6036–P. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on specific issues in this regulation to *http://www.regulations.gov.* Follow the instructions under the ''Comment or Submission'' tab and enter the file code to find the document accepting comments.

2. *By regular mail.* You may mail written comments (one original and two copies) to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–6036–P, P.O. Box 8012 Baltimore, MD 21244–8012.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments (one original and two copies) to the following address only: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–6036–P, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* If you prefer, you may deliver (by hand or courier) your written comments (one original and two copies) before the close of the comment period to one of the following addresses. If you intend to deliver your comments to the Baltimore address, please call telephone number (410) 786–4696 or (410) 786–1161 in advance to schedule your arrival with one of our staff members. Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201; or 7500 Security Boulevard, Baltimore, MD 21244–1850.

(Because access to the interior of the HHH Building is not readily available to persons without Federal Government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

Comments mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

Submission of comments on paperwork requirements. You may submit comments on this document's paperwork requirements by mailing your comments to the addresses provided at the end of the ''Collection of Information Requirements'' section in this document.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: August Nemec, (410) 786–0612.

SUPPLEMENTARY INFORMATION:

Submitting Comments: We welcome comments from the public on all issues set forth in this rule to assist us in fully considering issues and developing policies. You can assist us by referencing the file code CMS–6036–P and the specific ''issue identifier'' that precedes the section on which you choose to comment.

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in

a comment. We post all comments received before the close of the comment period on the following Web site as soon as possible after they have been received: *https://www.cms.hhs.gov/eRulemaking*. Click on the link ''Electronic Comments on CMS Regulations'' on that Web site to view public comments.

Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone 1–800–743–3951.

I. Background

Medicare services are furnished by two types of entities, providers and suppliers. At § 400.202, ''provider'' is defined as a hospital, a critical access hospital (CAH), a skilled nursing facility, a comprehensive outpatient rehabilitation facility, a home health agency (HHA), or a hospice that has in effect an agreement to participate in Medicare, or a clinic, a rehabilitation agency, or a public health agency that has in effect a similar agreement but only to furnish outpatient physical therapy or speech pathology services, or a community mental health center that has in effect a similar agreement but only to furnish partial hospitalization services. The term ''provider'' is also defined in sections 1861(u) and 1866(e) of the Social Security Act (the Act).

For purposes of the DMEPOS supplier standards, the term ''supplier'' is defined in § 424.57(a) as an entity or individual, including a physician or Part A provider, that sells or rents Part B covered DMEPOS items to Medicare beneficiaries that meet the DMEPOS supplier standards. This proposed rule applies to all DMEPOS suppliers and amends the DMEPOS supplier standards set forth at § 424.57(c). Those individuals or entities that do not furnish DMEPOS items but furnish other types of health care services only (for example, physician services or nurse practitioner services) would not be subject to this requirement. A supplier that furnishes durable medical equipment, prosthetics, orthotics, and suppliers (DMEPOS) is one category of supplier. Other supplier categories may include, for example, physicians, nurse practitioners, and physical therapists. If a supplier, such as a physician or physical therapist, also provides DMEPOS to a patient, then the supplier is also considered to be a DMEPOS supplier. The term ''DMEPOS'' encompasses the types of items included in the definition of medical equipment and supplies found at section 1834(j)(5) of the Act.

In FY 2007, the Medicare program spent more than $10 billion for DMEPOS supplies, and in April 2007, there were 116,471 individual DMEPOS suppliers. However, due to the affiliation of some DMEPOS suppliers with chains, there were 65,984 unique billing numbers. The largest concentration of DMEPOS suppliers were located in five States: California (approximately 9 percent), Texas (approximately 7 percent), Florida (approximately 7 percent), New York (approximately 6 percent) and Pennsylvania (approximately 5 percent). We believe that approximately 30 percent of the DMEPOS suppliers are located in rural areas throughout the United States and that the vast majority of DMEPOS suppliers are small entities (based on Medicare reimbursement alone).

The term DMEPOS is defined at section 1861(n) of the Act. This definition, in part, excludes from coverage as DMEPOS, items furnished in skilled nursing facilities and hospitals. Also, the term DMEPOS is included in the definition of ''medical and other health services'' found at section 1861(s)(6) of the Act. Furthermore, the term is defined in § 414.202 as equipment furnished by a supplier or a HHA that—

- Can withstand repeated use;
- Is primarily and customarily used to serve a medical purpose;
- Generally is not useful to an individual in the absence of an illness or injury; and
- Is for use in the home.

Examples of DMEPOS supplies include items such as blood glucose monitors, hospital beds, nebulizers, oxygen delivery systems, and wheelchairs.

Prosthetic devices are included in the definition of ''medical and other health services'' under section 1861(s)(8) of the Act. Prosthetic devices are defined in this section of the Act as ''devices (other than dental) which replace all or part of an internal body organ (including colostomy bags and supplies directly related to colostomy care), including replacement of such devices, and including one pair of conventional eyeglasses or contact lenses furnished subsequent to each cataract surgery with insertion of an intraocular lens.'' Other examples of prosthetic devices include cardiac pacemakers, cochlear implants, electrical continence aids, electrical nerve stimulators, and tracheostomy speaking valves.

Section 1861(s)(9) of the Act provides for the coverage of ''leg, arm, back, and neck braces, and artificial legs, arms, and eyes, including replacement of required because of a change in the patient's physical condition.'' As indicated by section 1834(h)(4)(C) of the Act, these items are often referred to as ''orthotics and prosthetics.'' Under section 1834(h)(4)(B), prosthetic devices do not include parenteral and enteral nutrition nutrients and implantable items payable under section 1833(t) of the Act.''

Section 1861(s)(5) of the Act includes ''surgical dressings, splints, casts, and other devices used for reduction of fractures and dislocation'' as one of the ''medical and other health services'' that is covered by Medicare. Other items that may be furnished by suppliers would include (among others):

- Prescription drugs used in immunosuppressive therapy furnished to an individual who receives an organ transplant for which payment is made under this title, and that are furnished within a certain time period after the date of the transplant procedure as noted at section 1861(s)(2)(j) of the Act.
- Extra-depth shoes with inserts or custom molded shoes with inserts for an individual with diabetes as listed at section 1861(s)(12) of the Act.
- Home dialysis supplies and equipment, self-care home dialysis support services, and institutional dialysis services and supplies included at section 1861(s)(2)(F) of the Act.
- Oral drugs prescribed for use as an anticancer therapeutic agent as specified in section 1861(s)(2)(Q) of the Act.
- Self-administered erythropoietin as described in section 1861(s)(2)(O) of the Act.

The National Supplier Clearinghouse (NSC) is the Center for Medicare & Medicaid Services' (CMS) designated national enrollment contractor for DMEPOS suppliers. The primary functions of the NSC are to: (1) Ensure that only qualified suppliers of DMEPOS are enrolled or remain enrolled in the Medicare program, and (2) take the necessary actions to revoke enrolled suppliers who no longer meet supplier standards.

A. Statutory Authority

Various sections of the Act and the regulations require providers and suppliers to furnish information concerning the amounts due and the identification of individuals or entities that furnish medical services to beneficiaries before payment can be

made. The following is an overview of the sections that grant this authority.

• Sections 1102 and 1871 of the Act provide general authority for the Secretary of Health and Human Services (the Secretary) to prescribe regulations for the efficient administration of the Medicare program. Under this authority, this proposed rule will require the collection of information from providers and suppliers for the purpose of enrolling in the Medicare program and granting privileges to bill the program for health care services furnished to Medicare beneficiaries.

• Sections 1814(a), 1815(a), and 1833(e) of the Act require the submission of information necessary to determine the amounts due a provider or other person.

• Section 1834(j)(1)(A) of the Act states that no payment may be made for items furnished by a supplier of medical equipment and supplies unless such supplier obtains (and renews at such intervals as the Secretary may require) a supplier number. In order to obtain a supplier billing number, a supplier must comply with certain supplier standards as identified by the Secretary.

• Section 1842(r) of the Act requires CMS to establish a system for furnishing a unique identifier for each physician who furnishes services for which payment may be made. To complete this, we need to collect information unique to that physician.

• Section 1862(e)(1) of the Act states that no payment may be made when an item or service was at the medical direction of an individual or entity that is excluded in accordance with sections 1128, 1128A, 1156, or 1842(j)(2) of the Act.

• Section 4313 of the Balanced Budget Act of 1997 (BBA) (Pub. L. 105–33) amended sections 1124(a)(1) and 1124A of the Act to require disclosure of both the Employer Identification Number (EIN) and Social Security Number (SSN) of each provider or supplier, each person with ownership or control interest in the provider or supplier, any subcontractor in which the provider or supplier directly or indirectly has a 5 percent or more ownership interest, and any managing employees including Directors and Board Members of corporations and non-profit organizations and charities. The ''Report to Congress on Steps Taken to Assure Confidentiality of Social Security Account Numbers as Required by the Balanced Budget Act'' was signed by the Secretary and sent to the Congress on January 26, 1999. This report outlines the provisions of a mandatory collection of SSNs and EINs effective on or after April 26, 1999.

• Section 31001(i)(1) of the Debt Collection Improvement Act of 1996 (DCIA) (Pub. L. 104–134) amended section 7701 of 31 U.S.C. by adding paragraph (c) to require that any person or entity doing business with the Federal Government must provide their Tax Identification Number (TIN).

• Section 936(j)(1)(A) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) (Pub. L. 108–173) amended the Act to require the Secretary to establish a process for the enrollment of providers of services and suppliers.

We are authorized to collect information on the Medicare enrollment application (that is, the CMS–855, (Office of Management and Budget (OMB) approval number 0938–0685)) to ensure that correct payments are made to providers and suppliers under the Medicare program as established by Title XVIII of the Act.

B. Historical Enrollment Initiatives

For many years, concern about easy entry into the Medicare program by unqualified or even fraudulent providers or suppliers has led us to increase our efforts to establish more stringent controls on provider and supplier entry into the Medicare program. The following is a summary of the regulations that we have published to ensure that only qualified providers and suppliers are participating in the Medicare program.

In the October 11, 2000 **Federal Register**, we published the Additional Supplier Standards final rule with comment period where we listed the durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) suppliers. In this rule, we established additional standards that a DMEPOS supplier must comply with in order to receive and maintain a Medicare billing number. This final rule with comment period outlined the supplier requirements to ensure that suppliers of DMEPOS are qualified to furnish DMEPOS items and to help safeguard the Medicare program and its beneficiaries from fraudulent or abusive billing practices.

In the April 21, 2006 **Federal Register**, we published the Requirements for Providers and Suppliers to Establish and Maintain Medicare Enrollment final rule. This final rule implemented section 1866(j)(1)(A) of the Act. In this final rule, we required that all providers and suppliers (other than physicians or practitioners who have elected to ''opt-out'' of the Medicare program) must complete an enrollment form and submit specific information to CMS in order to obtain Medicare billing privileges. This final rule also required that all providers and suppliers must periodically update and certify the accuracy of their enrollment information to receive and maintain billing privileges in the Medicare program. These statutory provisions include requirements meant to protect beneficiaries and the Medicare Trust Funds by trying to prevent unqualified, fraudulent or excluded providers and suppliers from providing items or services to Medicare beneficiaries or billing the Medicare program or its beneficiaries.

In the April 10, 2007 **Federal Register** (72 FR 17992), we published Competitive Acquisition for Certain Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) final rule implemented section 302 of the MMA and established DME competitive bidding. In addition, it created incentives for suppliers to provide quality items and services while at the same time providing Medicare with reasonable prices for payment. This final rule also incorporated provisions from section 5101 of the Deficit Reduction Act of 2005, which concerns beneficiary ownership of certain DMEs.

II. Provisions of the Proposed Rule

To ensure that DMEPOS suppliers understand how CMS interprets the DMEPOS supplier standards, we are revising certain supplier standards specified in § 424.57(c). We are also proposing several new DMEPOS supplier standards. We believe that these revisions and additions would help to ensure that legitimate DMEPOS suppliers are furnishing items of DMEPOS to Medicare beneficiaries.

A. Proposed Clarifications and Revisions of Existing DMEPOS Supplier Standards

The supplier standard at § 424.57(c)(1) states, ''Operates its business and furnishes Medicare-covered items in compliance with all applicable Federal and State licensure and regulatory requirements.''

The purpose of this standard is to ensure that DMEPOS suppliers obtain and maintain the necessary State licenses required to furnish the services provided to Medicare beneficiaries. In addition, we believe that each DMEPOS supplier is responsible for determining what licenses are required to operate a DMEPOS supplier's business. While the NSC maintains information regarding State licensure laws, we do not believe that the NSC is responsible for notifying any supplier of what licenses are

required or that any changes have occurred in the State licensing requirements. Further, we do not believe that there are any exceptions to State licensing requirements, unless the State in which the DMEPOS supplier furnishes services provides for such an exception. If a State requires a specific license to furnish certain services, we believe that a DMEPOS supplier cannot contract with an individual or other entity to provide these licensed services, but rather, the DMEPOS supplier could hire the individual as a W–2 employee. The owner of the supplier, or full-time W–2 employee, must obtain and maintain this licensing requirement. We are proposing to revise this supplier standard by adding language to clarify that a DMEPOS supplier must be licensed to provide licensed service(s) and cannot contract with an individual or entity to provide the licensed service(s). We believe that we are enrolling DMEPOS suppliers, not third party agents that subcontract their operations to suppliers that are not enrolled or cannot enroll in the Medicare program. Therefore, to ensure that only qualified suppliers are enrolled or maintain enrollment in the Medicare program, we maintain that a DMEPOS supplier must be licensed to provide licensed service(s) and cannot contract with an individual or entity to provide the licensed service(s).

In general, to ensure compliance, the NSC verifies that DMEPOS suppliers meet the supplier standards in § 424.57, comply with State business and product licensing requirements, and meet applicable local zoning requirements.

The supplier standard at § 424.57(c)(7) specifies that the DMEPOS supplier maintains a physical facility on an appropriate site and that the physical facility must contain space for storing business records including the supplier's delivery, maintenance, and beneficiary communication records. We are proposing to revise this standard to require that DMEPOS suppliers maintain business records for 7 years after the claim has been paid and to clarify the term, ''appropriate site.'' An appropriate site includes, but is not limited to, the following features:

- The supplier location must be accessible during posted business hours to beneficiaries and to CMS, and must maintain a visible sign and posted hours of operation. We believe that all DMEPOS suppliers must have a permanent, durable sign that is visible at the main entrance of the facility and positioned so that it is visible to the public, including customers using wheelchairs.
- The supplier location must be accessible during posted hours of operation to beneficiaries and to CMS, and must maintain a permanent visible sign in plain view and posted hours of operation. We believe that DMEPOS suppliers must have its hours of operation posted and in plain view and that suppliers submit changes to their posted hours of operation in advance of any change by notifying the NSC via the Medicare enrollment application. If the supplier's place of business is located within a building complex, the sign must be visible at the main entrance of the building where the place of business is located.
- The supplier's place of business must be staffed during the supplier's posted hours of operation. The supplier's place of business must be accessible to the public, CMS, the NSC and any of its agents during the supplier's posted hours of operation regardless of whether beneficiaries routinely visit the facility.
- The supplier's place of business may be a ''closed door'' business, such as pharmacies or suppliers providing services only to beneficiaries residing in a nursing home, that complies with all applicable Federal, State, and local laws and regulations.

A supplier is not in compliance with this standard if no one is available during the posted hours of operation.

In addition, we believe that an ''appropriate site'' applies to ''closed door'' businesses, (such as pharmacies/suppliers providing services only to beneficiaries residing in a nursing home) and are responsible for being in compliance with all applicable Federal, State, and local laws and regulations. We believe that ''closed door'' businesses must comply with all the requirements of § 424.57(c)(7), and all DMEPOS supplier standards. Additionally, the facility has to be accessible to beneficiaries, CMS or its agents regardless of whether beneficiaries routinely visit the facility.

We are soliciting comments on whether we should establish a minimum square footage requirement to the definition of an appropriate site and what, if any, appropriate exceptions would apply to a minimum square footage requirement.

The supplier standard at § 424.57(c)(8) states, ''Permits CMS, or its agents to conduct on-site inspections to ascertain supplier compliance with the requirements of this section. The supplier location must be accessible during posted business hours to beneficiaries and to CMS, and must maintain a visible sign and posted hours of operation.'' We are proposing to revise (c)(8) to limit the provision to on-site inspection. The proposed revision would read as follows: ''Permits CMS, the NSC, or agents of CMS or the NSC to conduct on-site inspections to ascertain supplier compliance with the requirements of this section.'' If the NSC or its agents are unable to perform a site visit during a supplier's posted business hours, the NSC would deny billing privileges for prospective applicants or would revoke the billing privileges of DMEPOS suppliers enrolled in the Medicare program.

The supplier standard at § 424.57(c)(9) states, ''Maintains a primary business telephone listed under the name of the business locally or toll-free for beneficiaries. The exclusive use of a beeper number, answering service, pager, facsimile machine, car phone, or an answering machine can not be used as the primary business telephone for purposes of this regulation.'' We are proposing to revise this supplier standard to exclude the use of cell phones and beepers/pagers as a method of receiving calls or using ''call forwarding'' to forward a call to a cell phone or beeper/pager from the public or beneficiaries during the supplier's posted hours of operation. Therefore, we are proposing to revise this standard to read, ''Maintains a primary business telephone that is operating at the appropriate site listed under the name of the business locally or toll-free for beneficiaries. The use of cellular phones, beeper numbers, and pagers is prohibited. Additionally, DMEPOS suppliers are prohibited from forwarding calls from the primary business telephone listed under the name of the business to a cellular phone, or a beeper/pager. The exclusive use of answering machines, answering services or facsimile machine (or combination of these options) cannot be used as the primary business telephone during posted operating hours.'' We maintain that DMEPOS suppliers who are utilizing cell phones, call forwarding, beeper numbers, pagers, answering services or other methods to receive telephone calls in a location other than the place of business for business calls during their posted hours of operations are not in compliance with this standard and that DMEPOS suppliers who exclusively use answering machines or answering services during their posted hours of operations are not in compliance with this standard.

The supplier standard at § 424.57(c)(10) states, ''has a comprehensive liability insurance policy in the amount of at least $300,000 that covers both the supplier's

place of business and all customers and employees of the supplier. In the case of a supplier that manufactures its own items, this insurance must also cover product liability and completed operations. Failure to maintain required insurance at all times will result in revocation of the supplier's billing privileges retroactive to the date the insurance lapsed.'' We are proposing to revise this provision to specify that the DMEPOS supplier has a comprehensive liability insurance policy in the amount of at least $300,000 per incident that covers both the supplier's place of business and all customers and employees of the supplier and ensures that insurance policy must remain in force at all times. The DMEPOS supplier must list the NSC as a certificate holder on the policy and notify the NSC in writing within 30 days of any policy changes or cancellations. In the case of a supplier that manufactures its own items, this insurance must also cover product liability and completed operations. Failure to maintain required insurance at all times will result in revocation of the supplier's billing privileges retroactive to the date the insurance lapsed. DMEPOS suppliers are responsible for providing the contact information of an individual employed with the underwriter.'' While the NSC routinely verifies comprehensive insurance coverage with an insurance agent, it may be necessary to contact the underwriter to verify the policy's coverage. Specifically, the NSC may need to verify insurance coverage with an underwriter when: (1) Self-insurance is used; or (2) when the NSC believes that the insurance agent is misrepresenting the terms and conditions of coverage. This would not preclude the use of self-insurance to demonstrate compliance with the comprehensive liability insurance policy as long as CMS or the NSC can verify the policy and its coverage provisions with an independent underwriter. Therefore we are also proposing that to add a provision stating that self-insurance may be used to demonstrate compliance with the comprehensive liability insurance policy as long as CMS or the NSC can verify the policy and its coverage provisions with an independent underwriter.

DMEPOS suppliers are responsible for providing the contact information of an individual employed with the underwriter, who can verify coverage. To ensure that coverage is actually issued and the policy is in effect, we believe that the NSC should be able to verify policy coverage with an insurance agent, or when necessary, the underwriter, since this is the company affording coverage. This proposed revision would not preclude the use of self-insurance to demonstrate compliance with the comprehensive liability insurance policy as long as CMS or its designated contractor can verify the policy and its coverage provisions with an independent underwriter.

Moreover, we propose that a DMEPOS supplier obtain the appropriate liability coverage prior to submitting its Medicare enrollment application and supporting documentation to the NSC. (When a policy is issued, up to 90 days may pass before the underwriter receives notification that the policy has been issued by the insurance agent or broker.) In addition, we believe if the NSC is unable to verify the issuance and validity of liability insurance with an insurance agent, or when necessary, an underwriter at the time of filing, then the NSC should deny Medicare billing privileges without further action, including an onsite review. Accordingly, the NSC must be able to verify the issuance and validity of a DMEPOS liability insurance policy on the day a prospective DMEPOS supplier submits a Medicare enrollment application to the NSC for review. If the NSC is unable to verify the issuance and validity of a liability insurance policy with an insurance agent, or when necessary, the underwriter for a DMEPOS supplier enrolled in the Medicare program, then the NSC may revoke the billing privileges of that supplier.

In addition, we believe that it is the responsibility of the DMEPOS supplier to list the NSC as a certificate holder on the policy. By listing the NSC as a certificate holder on the policy, the NSC would be able to verify coverage with the underwriter. A DMEPOS supplier who fails to list the NSC as a certificate holder on the policy may have their enrollment application denied or billing privileges revoked because the NSC may not be able to verify the issuance and validity of the policy. Finally, we believe that it is the DMEPOS supplier's responsibility to: (1) Ensure that insurance policy must remain in force at all times and provide coverage of at least $300,000 per incident; and (2) notify the NSC in writing within 30 days of any policy changes or cancellations.

The supplier standard at § 424.57(c)(11) states, ''Must agree not to contact a beneficiary by telephone when supplying a Medicare-covered item unless one of the following applies: (i) The individual has given written permission to the supplier to contact them by telephone concerning the furnishing of a Medicare-covered item that is to be rented or purchased; (ii) the supplier has furnished a Medicare-covered item to the individual and the supplier is contacting the individual to coordinate the delivery of the item; and (iii) if the contact concerns the furnishing of a Medicare-covered item other than a covered item already furnished to the individual, the supplier has furnished at least one covered item to the individual during the 15-month period preceding the date on which the supplier makes such contact.'' We are proposing to revise this supplier standard to clarify that suppliers can not directly solicit patients, which includes, but is not limited to, a prohibition on telephone, computer e-mail or instant messaging, coercive response internet advertising on sites unrelated to DMEPOS products, or in-person contacts. The DMEPOS supplier may only contact the Medicare beneficiary under the current provisions at § 424.57(c)(11)(i) through (iii). We believe that if CMS or the NSC through on-site inspection obtains or develops evidence that a DMEPOS supplier has made prohibited contacts with Medicare beneficiaries in violation of the provisions found in this section that CMS or the NSC may revoke that supplier's billing privileges, and may determine if such billing may be for fraudulent or unnecessary supplies.

The supplier standard at § 424.57(c)(12) currently states that the supplier must be responsible for the delivery of Medicare-covered items to beneficiaries and maintain proof of delivery. The supplier must document that it or another qualified party has, at an appropriate time, provided beneficiaries with necessary information and instructions on how to use Medicare-covered items safely and effectively. We are proposing to revise paragraph (c)(12) provision to clarify its intent. A DMEPOS supplier—

- Is responsible for maintaining proof of the delivery in the beneficiary's file;
- The supplier must furnish information to beneficiaries at the time of delivery of items as to how the beneficiary can contact the supplier by telephone;
- Must provide the beneficiary with instructions on how to safely and effectively use the equipment or contract this service to a qualified individual;
- Is responsible for providing instruction on the safe and effective use of the equipment that should be completed at the time of delivery; and

• Must document that this instruction has taken place.

We believe that a DMEPOS supplier is solely responsible for delivery of Medicare-covered items and for instruction on the use of those items. While we believe that a DMEPOS supplier may choose to contract out the delivery of Medicare-covered items to another individual or entity, the DMEPOS supplier has ultimate responsibility for ensuring delivery in accordance with this standard and for maintaining all necessary documentation to demonstrate that the beneficiary received the Medicare-covered item and appropriate instructions for its use. We believe that our revised interpretation of this section will help to ensure that instructions for the safe and appropriate use of products will be given to beneficiaries.

B. Proposed New DMEPOS Supplier Standards

At § 424.57(c)(27), we are proposing a new standard that specifies that the DMEPOS supplier must obtain oxygen from a State-licensed oxygen supplier. To ensure that DMEPOS suppliers meet and maintain this standard, we believe that DMEPOS suppliers who are supplying oxygen must contract with a supplier licensed by the State to provide them with oxygen. Obviously, this standard does not apply when the State does not license oxygen suppliers. We understand that in certain areas, DMEPOS suppliers may obtain oxygen from oxygen suppliers in other States. However, when a DMEPOS supplier is located in a State where licensure is required, then they must obtain their oxygen from a state-licensed oxygen supplier, regardless of which State the oxygen supplier obtained their licensure. For example in State A, a license is required when supplying oxygen. If a DMEPOS supplier located in State A is supplying oxygen, they must get their oxygen from a state-licensed oxygen supplier. To extend this example, in State B, where no license is required for an oxygen supplier, a DMEPOS supplier may obtain their oxygen from a non-licensed supplier within State B, or a licensed supplier (in a State where you must have a State license to supply oxygen), or from a non-State-licensed supplier outside of State B (where there is no State license required for supplying oxygen). We believe that this standard would help to protect Medicare beneficiaries and promote quality in the furnishing of oxygen.

At § 424.57(c)(28), we are proposing a new supplier standard that states that the supplier is required to maintain ordering and referring documentation, including the National Provider Identifier, received from a physician, nurse practitioner, physician assistant, clinical social worker, or certified nurse midwife, for 7 years after the claim has been paid. Since all DMEPOS supplies are ordered and referred by physicians, nurse practitioners, physician assistants, clinical social workers, or certified nurse midwives, we believe that it is essential that DMEPOS suppliers maintain documentation regarding the specific individual who ordered or referred a Medicare beneficiary for DMEPOS. In addition, we are codifying the requirement to maintain ordering and referring documentation for 7 years as required in Publication 100–08, Chapter 5, Section 8.

We maintain that a DMEPOS supplier should retain the necessary ordering and referring documentation received from physicians, nurse practitioners, physician assistants, clinical social workers, or certified nurse midwives to assure themselves that coverage criterion for an item has been met. If the information in the patient's medical record does not adequately support the medical necessity for the item, the supplier is liable for the dollar amount involved unless a properly executed Advance Beneficiary Notice of possible denial has been obtained.

At § 424.57(c)(29), we are proposing a new standard that specifies that the supplier is prohibited from sharing a practice location with another Medicare supplier. DMEPOS suppliers may not share a practice location with any other Medicare supplier, including a physician/physician group or another DMEPOS supplier. We believe that allowing DMEPOS suppliers to commingle practice locations, operations, staff, inventory and other aspects of supplier's operations constitutes a significant risk to the Medicare program. Moreover, to allow a DMEPOS supplier to commingle its practice location with another DMEPOS supplier effectively limits the ability of CMS and the NSC to ensure that each DMEPOS supplier meets all of the supplier standards specified at § 424.57. Finally, we do not believe that legitimate DMEPOS suppliers routinely share practice locations with another Medicare supplier.

Since we are aware that physicians and other licensed nonphysician practitioners may obtain their own DMEPOS supplier number and furnish DMEPOS from their office, we are soliciting comments on whether we should establish an exception to this space sharing proposal for physicians and nonphysician practitioners and the circumstances which warrant an exception.

At § 424.57(c)(30), we are proposing a new supplier standard that specifies, ''Is open to the public a minimum of 30 hours per week, except for those DMEPOS suppliers who are working with custom-made or fitted orthotics and prosthetics.'' We are proposing this new standard because the NSC has found that a number of existing DMEPOS suppliers have posted restrictive or limited business hours, and in some cases, have posted business hours that are so restrictive that it makes it nearly impossible for a NSC to conduct on onsite visit or for a beneficiary or the public to obtain DMEPOS services. Since we question the legitimacy of any DMEPOS supplier with posted operating hours of less than 4 hours a day, we are proposing to establish a minimum number of operational hours for DMEPOS suppliers. Moreover, we believe that most legitimate DMEPOS suppliers are open to the public at least 30 hours per week. We believe that most legitimate DMEPOS suppliers are open to the public for more than 40 hours per week and that all legitimate DMEPOS would need to be open a minimum of at least 30 hours per week (either 6 hours a day, 5 days a week or 5 hours a day, 6 days a week) in order to attract, retain and serve Medicare beneficiaries. We believe that a minimum number of operating hours will help to ensure that DMEPOS suppliers are open to the public and are able to serve the needs of Medicare beneficiaries. Given that Medicare beneficiaries may not be able to find transportation during limited operating hours, the DMEPOS supplier must be open and available for periods long enough for beneficiaries to readily access their facility. To ensure that DMEPOS suppliers are able to report any change in their posted business hours, we are proposing to revise the CMS–855S Medicare enrollment application to accommodate this proposed change.

At § 424.57(c)(31), we propose adding a new supplier standard that specifies, ''Does not have an Internal Revenue Service (IRS) or a State taxing authority tax delinquency.'' Currently, we do not consider whether a DMEPOS supplier that is seeking enrollment or one that is currently enrolled in the Medicare program has an IRS or a State taxing authority tax delinquency. To ensure that Medicare payments are only being made to organizations and individuals who have satisfied existing tax debts, we will have a basis to revoke the billing privileges of a DMEPOS supplier, including physicians and nonphysician

practitioners who are also enrolled as a DMEPOS supplier, that has failed to comply with this standard.

The Government Accountability Office (GAO) found that over 21,000 of the physicians, health professionals, and suppliers paid under Medicare Part B during the first 9 months of calendar year 2005 had tax debts totaling over $1 billion. The GAO report titled, ''Medicare, Thousands of Medicare Part B Providers Abuse the Federal Tax System (GAO–07–587T)'' found abusive and potentially criminal activity, including failure to remit to IRS individual income taxes or payroll taxes or both withheld from their employees.

Moreover, we are proposing to revise the Medicare enrollment application (that is, CMS–855S) to require that DMEPOS suppliers: (1) Certify that the supplier does not have an IRS or a State taxing authority tax delinquency; and (2) consent to having CMS or its designated contractor verify that the information submitted by a DMEPOS supplier regarding a tax delinquency is correct and accurate as determined by the IRS or State taxing authority. We believe that this change will allow CMS and its designated contractors to verify that the information submitted by a DMEPOS supplier is accurate.

We would propose to define a ''tax delinquency'' as meaning an amount of money owed to the United States or a State: A conviction or civil judgment for tax evasion, a criminal or civil charge of tax evasion, or the filing of a tax lien.

In § 424.57(d), we would redesignate the current text as paragraph (d)(1). We would add a new paragraph (d)(2) specifying that ''CMS, the NSC, or CMS designated contractor establishes a Medicare overpayment from the date of an adverse legal action or felony conviction (including felony convictions within the 10 years preceding enrollment or revalidation of enrollment) that precludes payment.'' In addition, we are proposing that any overpayment assessed by CMS or its designated contractor due to a lack of reporting would follow the existing rules governing Medicare overpayments set forth at § 405.350 et seq.

We believe that proposed § 424.57(d)(2) is necessary because some DMEPOS suppliers fail to report adverse legal actions and felony convictions to the NSC within the 30 days of the reportable event. Since it is essential that DMEPOS suppliers notify the NSC of all adverse legal actions and felony convictions within 30 days of the reportable event, we believe that it is essential to establish this new provision. This new provision would allow the CMS, the NSC, or a designated Medicare contractor the authority to assess and collect an overpayment from the time of the reportable event. In addition, the CMS, the NSC, or a designated CMS contractor would revoke the DMEPOS supplier's Medicare billing privileges, in accordance with § 424.57(d)(1), if the adverse legal action or felony conviction precludes participation in or payment from the Medicare program.

III. Collection of Information Requirements

Under the Paperwork Reduction Act of 1995 (PRA), agencies are required to provide a 60-day notice in the **Federal Register** and solicit public comment before a collection of information requirement is submitted to the Office of Management and Budget (OMB) for review and approval. In order to fairly evaluate whether an information collection should be approved by OMB, section 3506(c)(2)(A) of the PRA requires that we solicit comments on the following issues:

- Whether the information collection is necessary and useful to carry out the proper functions of the agency;
- The accuracy of the agency's estimate of the information collection burden;
- The quality, utility, and clarity of the information to be collected; and
- Recommendations to minimize the information collection burden on the affected public, including automated collection techniques.

We are soliciting public comment on each of the following issues pertaining to the information collection requirements contained in this proposed rule.

Section II.A. of this proposed rule provides proposed clarifications and revisions of the existing DMEPOS supplier standards. The following is a discussion of the information collection requirements contained in the § 424.57(c) that are clarified and revised by this proposed rule.

Section II.A. of this proposed rule provides proposed clarifications of the information collection requirements contained in § 424.57(c)(1). The standard at § 424.57(c)(1) states that a supplier must operate its own business and furnish Medicare-covered items in compliance with all applicable Federal and State licensure and regulatory requirements. As stated in section II.A. of this proposed rule, the purpose of this standard is to ensure that DMEPOS suppliers obtain and maintain the necessary State licenses required to furnish services provided to Medicare beneficiaries. While there is burden associated with complying with this standard, we believe it is exempt from the PRA as stated in 5 CFR 1320.3(b)(3). A collection of information conducted or sponsored by a Federal agency that is also conducted or sponsored by a unit of State, local, or tribal government is presumed to impose a Federal burden except to the extent that the agency shows that such State, local, or tribal requirement would be imposed even in the absence of a Federal requirement.

In addition, we believe the burden associated with the maintenance of the required documentation is exempt from the PRA as stated in 5 CFR 1320.3(b)(2), to the extent that the time, effort, and financial resources necessary to comply with collection of information that would be incurred by persons in the normal course of their activities. Maintaining State license documentation is part of usual and customary business practices.

In § 424.57(c)(12)(ii) we propose to specify that a supplier must furnish information to beneficiaries at the time of delivery of items on how the beneficiary can contact the supplier by telephone. The burden associated with complying with the standard is the time and effort required for the supplier to provide its contact information to beneficiary at the time of delivery of the Medicare-covered item(s). While the burden is subject to the PRA, we believe it is exempt under 5 CFR 1320.3(b)(2) to the extent that the time, effort, and financial resources necessary to comply with collection of information that would be incurred by persons in the normal course of their activities.

In § 424.57(c)(32), we are proposing that each supplier must report changes in hours of operation to the NSC 15 calendar days prior to the proposed change. The burden associated with this requirement is the time and effort associated with notifying the NSC of the change in hours of operation. We estimate that 1,000 suppliers will be subject to this requirement. The estimated time required to report the information to the NSC is 10 minutes. The estimated total annual burden associated with this requirement is 167 hours.

Section 424.57(c)(10)(iii) states that with respect to liability insurance, it is the responsibility of the DMEPOS supplier to, ''promptly notify the NSC in writing of any policy changes or cancellations.'' The burden associated with this requirement is the time and effort associated with drafting and submitting notification to the NSC of any policy changes or cancellations. While this burden is subject to the PRA, we believe it is exempt under 5 CFR 1320.3(h)(6). Facts or opinions collected from a single person or entity are not

subject to the PRA. The aforementioned information collection request will be reviewed on a case by case basis, as they submitted individual DMEPOS suppliers.

Section 424.57(c)(12) states that a supplier, ''Must be responsible for the delivery of Medicare-covered items to beneficiaries and maintain proof of delivery.'' In addition, the supplier must, ''Document that it or another qualified party has at an appropriate time, provided beneficiaries with information and instructions on how to use the Medicare-covered items safely and effectively.'' This standard imposes reporting and recordkeeping requirements.

The burden associated with this section is the time and effort required to: Document the delivery of the Medicare-covered item; document the provision of information or instructions to the beneficiary by the supplier itself or another qualified party; maintain the documentation of delivery of the Medicare-covered items and the necessary information and instructions. The burden associated with these requirements is subject to the PRA. However, we believe it is exempt under 5 CFR 1320.3(b)(2) to the extent that the time, effort, and financial resources necessary to comply with collection of information that would be incurred by persons in the normal course of their activities.

If you comment on any of these information collection and recordkeeping requirements, please mail copies directly to the following:

Centers for Medicare & Medicaid Services, Office of Strategic Operations and Regulatory Affairs, Regulations Development Group Attn.: William Parham, CMS–6036–P Room C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850; and

Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503. Attn.: Carolyn Lovett, CMS Desk Officer, CMS–6036–P, *carolyn_lovett@omb.eop.gov*. Fax (202) 395–6974.

IV. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

V. Regulatory Impact Statement

We have examined the impact of this rule as required by Executive Order 12866 (September 1993, Regulatory Planning and Review), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), Executive Order 13132 on Federalism, and the Congressional Review Act (5 U.S.C. 804(2)).

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts; and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). This rule does not reach the economic threshold and thus is not considered a major rule.

To ensure that Medicare is making correct payments to only legitimate DMEPOS suppliers, we implemented a comprehensive payment and enrollment strategy. This strategy includes developing and implementing the statutorily mandated competitive bidding program, making revisions to the National Supplier Clearinghouse contract, implementing a DMEPOS demonstration project, and publishing a proposed rule that would require DMEPOS suppliers to obtain a surety bond.

We began implementation of the statutorily mandated competitive bidding program (72 FR 17992) for DMEPOS suppliers on April 10, 2007. Competitive bidding changes the way that Medicare pays for certain DMEPOS categories under Part B of the Medicare program by using bids submitted by DMEPOS suppliers to establish payment amounts. Beginning in 2007, we initiated and began implementation of the program which initially involves ten product categories in the first Metropolitan Statistical Areas. We have received bids and anticipate contract awards in 2008. In addition, DMEPOS suppliers will be required to submit bids for all items within a product category for which they are bidding. The product categories and bid items may vary by competitive bidding area (CBAs). For 2007, using 2005 data and the item selection criteria in the competitive bidding regulation, we selected the following items for competitive bidding: (1) Oxygen supplies and equipment; (2) standard power wheelchairs, scooters, and related accessories; (3) complex rehabilitative power wheelchairs and related accessories; (4) mail-order diabetic supplies; (5) enteral nutrients, equipment, and supplies; (6) continuous positive airway pressure (CPAP) devices, respiratory assist devices (RADs), and related accessories; (7) hospital beds and related accessories; (8) negative pressure wound therapy (NPWT) pumps and related accessories; (9) walkers and related accessories; and (10) support surfaces (group 2 and 3 mattresses and overlays).

The statute requires that competition under the program begin in 10 of the largest Metropolitan Statistical Areas (MSAs) and then expand to 70 additional MSAs during the second phase of implementation. Additional competitive bidding areas will then be phased in over time. The final rule requires a formula-driven methodology for selecting the 80 MSAs for the first two phases of implementation and it will be sometime after 2008 before DMEPOS suppliers will participate in the competitive bidding initiative in these 80 MSAs and only for the product categories that are included in the first two phases of implementation.

It is important to note while competitive bidding will reduce the number of DMEPOS suppliers eligible for payment of selected product categories, competitive bidding will not totally prevent unscrupulous DMEPOS suppliers from gaining entry into the program and fraudulently billing for any of those products. Accordingly, it is essential that we further develop and implement administrative and regulatory changes which prevent unscrupulous DMEPOS suppliers from enrolling or maintaining their enrollment in the Medicare program. To this end, we have implemented the following administrative changes and are seeking comments on mandated DMEPOS surety bonding requirements.

As part of our administrative change, we revised the contract with the National Supplier Clearinghouse (NSC) in FY 2008 and are currently recompeting this contract through full and open competition. The revised contract requires that the NSC conduct and increase the number of site visits to ensure that DMEPOS suppliers are in compliance with the provisions found at § 424.57. We are also expanding the funding for NSC operations to support the increased number of sites visits. These expanded measures will help to ensure that only legitimate DMEPOS suppliers are enrolled or maintain

enrollment in the Medicare program. In addition, we announced plans on June 28, 2007, to implement a 2-year demonstration involving DMEPOS suppliers. The goal of this initiative is to strengthen our ability to detect and prevent fraudulent activity and will focus specifically on DMEPOS suppliers in South Florida and the Los Angeles metropolitan area. Based on the findings of this initiative, we will determine if the administrative processes and procedures used in this demonstration should be expanded to other parts of the country.

On August 1, 2007, we published a proposed rule (72 FR 42001) which would implement Section 4312(a) of the Balanced Budget Act of 1997 (BBA) by requiring all Medicare DMEPOS suppliers to furnish CMS with a surety bond. The public comment period for this proposed rule closed on October 1, 2007, and CMS is currently reviewing these comments.

Accordingly, while the activities described above will promote compliance with the existing supplier standards and reduce payments for suppliers selected under competitive bidding, these activities do not supply CMS and the NSC with the needed authority to deny or revoke billing privileges to those DMEPOS suppliers that pose a significant risk to the program. Therefore, we believe that the provisions of this proposed rule are essential in expanding upon and strengthening the supplier standards in order to ensure that only legitimate suppliers are enrolled or maintain enrollment in the Medicare program.

The RFA requires agencies to analyze options for regulatory relief for small businesses. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and government agencies. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of $6.5 to $31.5 million in any one year. Individuals and States are not included in the definition of a small entity.

We are not preparing an analysis for the RFA because we because we are certifying that this rule will not have a significant economic impact on a substantial number of small entities. We have determined that the RFA is reasonable given that the provisions contained in this proposed rule are primarily procedural and do not require DMEPOS suppliers to incur additional operating costs. We also believe that the regulatory impact of this proposed rule is negligible and not calculable. We maintain that this proposed rule would not have an adverse impact on a significant number of small entities because we believe that these suppliers are operating on standard business practices and therefore are already in compliance with these proposed standards. Since we believe that a significant number of small entities currently meet each of the revised or new proposed standard, we do not have information available to calculate the economic impact of any individual or combination of proposals would have on small entities. This proposed rule would merely clarify, expand, and update our current policy found in the DMEPOS supplier standards currently covered under § 424.57. Therefore, we anticipate a minimal economic impact, if any, on small entities. We are soliciting public comment regarding any specific impacts that these proposed provisions will have on suppliers. To encourage such comments we are providing the public with the relevant data that we possess on DMEPOS suppliers.

The following table examines the allowed charges to the unique billing numbers (a DMEPOS supplier may have multiple locations, for example, a chain organization, but use only one unique billing number), the vast majority of DMEPOS suppliers are small entities (based on Medicare reimbursement alone).

TABLE 1.—TOTAL NUMBER OF SUPPLIERS ARRANGED BY ALLOWED CHARGES FOR DATES OF SERVICE

[January through December 2005 based on Unique Billing Numbers]

Allowed charge	Number of suppliers reimbursed for DME	Number of DMEPOS suppliers reimbursed for non-DME only
$0	2,016	4,655
$0.01–$999	2,544	6,624
$1,000–$2,499	2,099	4,993
$2,500–$4,999	2,285	4,459
$5,000–$9,999	2,964	4,153
$10,000–$24,999	4,568	4,328
$25,000–$49,999	3,378	2,100
$50,000–$99,999	2,780	1,245
$100,000–$499,999	5,955	1,191
$500,000–$999,999	1,762	220
$1,000,000–$4,999,999	1,345	105
$5,000,000 or more	208	7
Total	31,904	34,080

In reviewing the table above, the term, durable medical equipment (DME) is defined at section 1861(n) of the Act. This definition, in part, excludes from coverage as DME, items furnished in skilled nursing facilities and hospitals (equipment furnished in those facilities is paid for as part of their routine or ancillary costs). Also, the term DME is included in the definition of ''medical and other health services'' at section 1861(s)(6) of the Act. Furthermore, the term is defined in § 414.202 as equipment furnished by a supplier or a HHA that—

- Can withstand repeated use;
- Is primarily and customarily used to serve a medical purpose;
- Generally is not useful to an individual in the absence of an illness or injury; and
- Is appropriate for use in the home.

Examples of DMEPOS supplies include items such as blood glucose monitors, hospital beds, nebulizers, oxygen delivery systems, and wheelchairs.

Conversely, suppliers of non-DME only refers to items or services furnished by prosthetics, orthotist, and supplies found in section 1861(s)(5) of the Act.

As of April 2007, there were 116,471 individual DMEPOS suppliers. However, due to the affiliation of some DMEPOS suppliers with chains, there were only approximately 65,984 unique billing numbers (31,904 + 34,080). We believe that approximately 30 percent of the 116,000 DMEPOS suppliers are located in rural areas.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 100 beds. We are not preparing an analysis for section 1102(b) of the Act because we have determined that this proposed rule will not have a significant impact on the operations of a substantial number of small rural hospitals. We understand that a large number of DMEPOS suppliers fall into this category, however these proposed provisions are procedural in nature and we expect that legitimate DMEPOS suppliers are already meeting these provisions.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule that may result in expenditure in any 1 year by State, local, or tribal governments, in the aggregate, or by the private sector, of $120 million. That threshold is currently approximately $127 million. This rule does not mandate expenditures by State, local, or tribal governments, in the aggregate, or by the private sector of $127 million and therefore no analysis is required.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. Since this regulation does not impose any costs on State or local governments, the requirements of E.O. 13132 are not applicable.

We anticipate that this rule would codify certain procedural policies contained in the Program Integrity Manual (PIM) that DMEPOS suppliers already are supposed to adhere to, and that legitimate DMEPOS suppliers should already be meeting. By establishing the standards in this rule, we are establishing our authority to deny or revoke the Medicare billing privileges of DMEPOS suppliers that have failed to comply with one or more of these supplier standards.

We have considered alternatives to all of the proposed provisions, however only one of the provisions considered lends itself to other options. Initially, we considered establishing a 40-hour requirement for a DMEPOS supplier's hours of operation since most businesses are open to the public for a minimum of 40 hours each week.

To reduce the burden associated with this provision, but also establish a minimum requirement for the hours of operation, we relaxed the initial 40-hour requirement to 30 hours per week because we believe that this is the minimum amount of time that a DMEPOS supplier is required to be open and legitimately operate as a business. We did not consider the alternative of not proceeding with the proposed provisions because we believe that they are necessary to ensure that only legitimate DMEPOS suppliers are enrolling and maintaining enrollment in the Medicare program.

As a result of not having quantifiable data, we cannot effectively derive an estimate for the monetary impacts of these provisions. Accordingly, we are seeking public comment so that the public may provide any data available that provides a calculable impact or any alternative to the proposed provisions.

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

List of Subjects in 42 CFR Part 424

Emergency medical services, Health facilities, Health professionals, Medicare, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services would amend 42 CFR chapter IV as set forth below:

PART 424—CONDITIONS FOR MEDICARE PAYMENT

1. The authority citation for part 424 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

Subpart D—To Whom Payment is Ordinarily Made

2. Section 424.57 is amended by—

A. Adding in paragraph (a) the definition of ''tax delinquency'' in alphabetical order.

B. Revising paragraph (c) introductory text and (c)(1).

C. Revising paragraphs (c)(7) through (c)(12) and (c)(15).

D. Adding new paragraphs (c)(26) through (c)(31).

E. Revising paragraph (d).

The additions and revisions read as follows:

§ 424.57 Special payment rules for items furnished by DMEPOS suppliers and issuance of DMEPOS supplier billing privileges.

* * * * *

Tax delinquency means an amount of money owed to the United States taxing authority from any individual, entity organization, association, partnership or corporation and it can be evidenced through the following measures brought by either the United States or a State: a conviction or civil judgment for tax evasion, a criminal or civil charge of tax evasion, or the filing of a tax lien.

* * * * *

(c) *Application certification standards.* The supplier must meet and must certify in its application for billing privileges that it meets and will continue to meet the following standards:

(1) Operates its business and furnishes Medicare-covered items in compliance with the following applicable laws:

(i) Federal regulatory requirements that specify requirements for the provision of DMEPOS and ensure accessibility for the disabled.

(ii) State licensure and regulatory requirements. If a State requires licensure to furnish certain items or services, a DMEPOS supplier must be licensed to provide the item or service and cannot contract with an individual or other entity to provide the licensed services.

(iii) Local zoning requirements.

* * * * *

(7) Maintains a physical facility on an appropriate site that contains space for storing business records (including the supplier's delivery, maintenance, and beneficiary communication records) and retain the necessary ordering and referring documentation received from physicians, nurse practitioners, physician assistants, clinical social workers, or certified nurse midwives to assure themselves that coverage criterion for an item has been met, to facilitate an on site inspection by CMS or the NSC of the supplier's business records or ordering and referring documentation. An appropriate site

includes, but is not limited to, the following:

(i) Is in a location that is accessible to the public, Medicare beneficiaries, CMS, NSC, and its agents. (The location must not be in a gated community or other area where access is restricted.)

(ii) Is accessible and staffed during posted hours of operation.

(iii) Maintains a permanent visible sign in plain view and posts hours of operation. If the supplier's place of business is located within a building complex, the sign must be visible at the main entrance of the building.

(iv) May be a ''closed door'' business, such as pharmacies or suppliers providing services only to beneficiaries residing in a nursing home, that complies with all applicable Federal, State, and local laws and regulations. ''Closed door'' businesses must comply with all the requirements in § 424.57(c)(7).

(8) Permits CMS, the NSC, or agents of CMS or the NSC to conduct on-site inspections to ascertain supplier compliance with the requirements of this section.

(9) Maintains a primary business telephone that is operating at the appropriate site listed under the name of the business locally or toll-free for beneficiaries. The use of cellular phones, beeper numbers, and pagers is prohibited. Additionally, DMEPOS suppliers are prohibited from forwarding calls from the primary business telephone listed under the name of the business to a cellular phone, or a beeper/pager. The exclusive use of answering machines, answering services or facsimile machine (or combination of these options) cannot be used as the primary business telephone during posted operating hours.

(10) Has a comprehensive liability insurance policy and meets the following insurance-related requirements:

(i) The comprehensive liability insurance is at least $300,000 per incident that covers both the supplier's place of business and all customers and employees of the supplier. If the supplier manufactures its own items, the insurance must also cover product liability and completed operations. Self insurance may be used to demonstrate compliance with the comprehensive liability insurance as long as CMS or the NSC can verify the policy and its coverage provisions with an independent underwriter. Failure to maintain required insurance at all times beginning with the date of filing will result in denial or revocation of the supplier's billing privileges retroactive to the date the insurance lapsed.

DMEPOS suppliers are responsible for providing the contact information of an individual employed with the underwriter.

(ii) List the NSC as a certificate holder on the policy.

(iii) Notify the NSC in writing within 30 days of any policy changes or cancellations.

(11) Agree not to directly solicit patients, which includes, but is not limited to, a prohibition on telephone, computer e-mail or instant messaging, coercive response internet advertising on sites unrelated to DMEPOS products, or in-person contacts. The DMEPOS supplier may only contact the Medicare beneficiary when supplying a Medicare-covered item and only when one or more of the following applies:

(i) The individual has given written permission to the supplier to contact them concerning the furnishing of a Medicare-covered item that is to be rented or purchased.

(ii) The supplier has furnished a Medicare-covered item to the individual and the supplier is contacting the individual to coordinate the delivery of the item.

(iii) If the contact concerns the furnishing of a Medicare-covered item other than a covered item already furnished to the individual, the supplier has furnished at least one covered item to the individual during the 15-month period preceding the date on which the supplier makes such contact.

(12) Has met the following delivering and beneficiary instruction requirements:

(i) Maintains proof of the delivery in the beneficiary's file.

(ii) Furnishes information to the beneficiary at the time of delivery of items on how the beneficiary can contact the supplier by telephone.

(iii) Provides the beneficiary with instructions on how to safely and effectively use the equipment or contract this service to a qualified individual.

(iv) Completes and documents beneficiary instruction on the safe and effective use of the equipment at the time of delivery or other appropriate time.

* * * * *

(26) [Reserved]

(27) Must obtain oxygen from a State-licensed oxygen supplier (applicable only to those suppliers in States that require oxygen licensure.)

(28) Is required to maintain ordering and referring documentation, including the National Provider Identifier, received from a physician, nurse practitioner, physician assistant, clinical social worker, or certified nurse midwife, for 7 years after the claim has been paid.

(29) Is prohibited from sharing a practice location with any other Medicare supplier.

(30) Is open to the public a minimum of 30 hours per week, except for those DMEPOS suppliers who are working with custom made or fitted orthotics and prosthetics.

(31) Does not have an Internal Revenue Service (IRS) or a State taxing authority tax delinquency.

(d) *Failure to meet standards.* (1) *Revocation.* CMS revokes a supplier's billing privileges if it is found not to meet the standards in paragraphs (b) and (c) of this section. The revocation is effective 15 days after the entity is sent notice of the revocation, as specified in § 405.874 of this subchapter.

(2) *Overpayments associated with adverse legal action and felony convictions.* CMS, the NSC or a CMS-designated contractor establishes a Medicare overpayment from the date an adverse legal action or felony conviction (including felony convictions within the 10 years preceding enrollment or revalidation of enrollment) that precludes payment.

Authority: (Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program).

Dated: May 31, 2007.

Leslie V. Norwalk,

Acting Administrator, Centers for Medicare & Medicaid Services.

Approved: August 21, 2007.

Michael O. Leavitt,

Secretary.

Editor's note: This document was received by the Office of the Federal Register on January 22, 2008.

[FR Doc. E8–1346 Filed 1–24–08; 8:45 am]

BILLING CODE 4120–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 08–27; MB Docket No. 08–3; RM–11407]

Radio Broadcasting Services; Wheatland, WY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Appaloosa Broadcasting Company, Inc. (''Petitioner''), the licensee of Station KIMX(FM), Channel 244C2, Laramie, Wyoming, has filed a

contingent application to modify the facilities of Station KIMX(FM) from Channel 244C2 to Channel 245A and to change that station's community of license from Laramie, Wyoming, to Nunn, Colorado. This *Notice of Proposed Rule Making* requests comments on a petition for rule making filed by Petitioner proposing the substitution of Channel 286A for vacant Channel 247A at Wheatland, Wyoming. This channel substitution would accommodate Petitioner's contingent modification application. In addition, to accommodate that application, Petitioner requests that FM Channel 246C1 be involuntarily substituted for Channel 245C1 at Station KCMI(FM), Terrytown, Nebraska. *See* **SUPPLEMENTARY INFORMATION.**

DATES: Comments must be filed on or before February 28, 2008, and reply comments on or before March 14, 2008.

ADDRESSES: Secretary, Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for Petitioner as follows: Barry A. Friedman, Esq., Thompson Hine LLP, 1920 N Street, NW., Suite 800, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: R. Barthen Gorman, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making*, MB Docket No. 08–3, adopted January 2, 2008, and released January 7, 2008. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Information Center, 445 Twelfth Street, SW., Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractors, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or *http://www.BCPIWEB.com*.

Channel 247A at Wheatland was allotted in MB Docket No. 05–98. *See* 71 FR 4527, published January 27, 2006. This vacant FM channel was inadvertently removed from the FM Table of Allotments. *See* 71 FR 76208, published December 20, 2006. This rulemaking proceeding is now proposing to remove Channel 247A at Wheatland and add Channel 286A at Wheatland to accommodate the change of community application for Station KIMX from Laramie to Nunn, Colorado.

This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, *see* 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Wyoming, is amended by adding Wheatland, Channel 286A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E8–1331 Filed 1–24–08; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 300, 600 and 697

[Docket No. 070717337–7338–01]

RIN 0648–AV78

General Provisions for Domestic Fisheries; Specifications for Boarding Ladders

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule, request for comments, reopening of comment period.

SUMMARY: NMFS reopens the comment period for proposed regulations to require the operators of certain domestic fishing vessels to provide a U.S. Coast Guard-approved pilot ladder as a safer and more enforceable means for authorized personnel to board.

DATES: Comments must be received at the following address by February 25, 2008.

ADDRESSES: You may submit comments, identified by ''RIN 0648–AV78,'' by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal *http://www.regulations.gov*.
- Fax: 301–713–1175, Attn: William D. Chappell.
- Mail: Alan Risenhoover, Director, Office of Sustainable Fisheries, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Please mark the outside of the envelope ''Comments on Boarding Ladder Rule.''

Instructions: All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All personal identifying information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

NMFS will accept anonymous comments. Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: William D. Chappell, 301–713–2337.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Act established U.S. management authority over the fishery resources in the exclusive economic zone (EEZ). NMFS is responsible for implementation of the Magnuson-Stevens Act and the Fishery Management Plans (FMPs) prepared by eight Regional Fishery Management Councils (Councils) and for the FMP governing Atlantic Highly Migratory Species. While each Council prepares FMPs for those fishery resources within the Council's area of authority that require conservation, NMFS implements certain requirements common to all fisheries, such as facilitation of enforcement. Associated regulations are

codified at 50 CFR parts 600 through 697.

On December 11, 2007, NMFS published this proposed rule with a comment period ending January 10, 2008. Because the comment period extended through the December holiday period, many affected members of the fishing industry were unaware of the proposed rule until late in the comment period. As a result, NMFS received several requests to extend the comment period. Although the comment period ended before NMFS could publish an extension to this comment period, NMFS now reopens the comment period for an additional 30 days to allow the public adequate time to understand the rule, its effects on their circumstances, and provide their comments.

Clarifications

Comments received to date identified some misunderstandings and questions that need clarification. The most important misunderstanding is that the proposed rule would require fishing vessels to provide boarding ladders for the first time. Fishing vessel operators have been required to provide authorized officers ''a safe ladder'' since before 1988, when all facilitation of enforcement regulations were consolidated in one part. The intent of this proposed rule was to specify the type of ladder to meet the requirement, not to change the requirement to provide a ladder. Experience in many boardings has shown that ladders offered by many fishing vessel operators are, in reality, not safe. This negatively affects the ability of an authorized officer to safely board the fishing vessel at sea, resulting in an unacceptable safety hazard. In some instances, authorized officers entered the water as a direct result of ladder failures or inadequacies. Under current regulations, the safety of the ladder can only be determined unsafe after the fact, a situation that is unacceptable from both a safety and enforcement aspect. NMFS proposes to amend the existing regulation to require that a standard and safe ladder be made available. These commonly used ladders are available from many maritime suppliers, and can be constructed to meet the size of the vessel and can be rolled up to use minimal storage space.

Another important misconception is that the proposed rule would require all fishing vessels to carry a Coast Guard approved ladder. The current regulations do not require vessels with a freeboard of 4 feet (1.25 m) or less to carry a ladder. The proposed rule will not alter this distinction. Instead, the proposed rule would define the term freeboard for the purposes of the rule as the working distance between the top rail of the gunwale of a vessel to the water's surface. This is somewhat different from the typical usage of the term freeboard, which usually means the difference between the lowest exposed or weather deck and the water.

Several commenters asked whether the proposed rule would apply to recreational fishing vessels. The answer is yes, this proposed rule would apply to both recreational and commercial fishing vessels fishing under Federal fishing regulations.

NMFS also received comments regarding alternative freeboard heights, purpose built ladders, and exemptions from the provision of a safe ladder based on vessel length, as well as other comments. All comments will be addressed in any final rule published for this rulemaking.

Dated: January 18, 2008

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service

[FR Doc. E8–1348 Filed 1–24–08; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register
Vol. 73, No. 17
Friday, January 25, 2008

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2008–0003]

National Advisory Committee on Meat and Poultry Inspection

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing, pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the National Advisory Committee on Meat and Poultry Inspection (NACMPI) will hold a public meeting on February 5–6, 2008, to review and discuss: (1) The planned public health-based slaughter inspection system for young chickens and (2) how a similar approach could be used for inspection in processing and other slaughter establishments. Both issues will be presented to the full Committee. The Committee will then divide into two subcommittees to discuss both issues. Each subcommittee will provide a report of their comments and recommendations to the full committee before the meeting concludes on February 6, 2008.

DATES: The Committee will hold a public meeting on Wednesday, February 5, and Thursday, February 6, 2008, from 8:15 a.m. to 5:45 p.m. The subcommittees will hold open meetings during their deliberations and report preparation.

ADDRESSES: The meetings will take place at the Key Bridge Marriott, 1401 Lee Highway, Arlington, VA 22209; telephone, (703) 524–6400. The meeting agenda is available on the Internet at the NACMPI Web site, *http://www.fsis.usda.gov/about_fsis/nacmpi/index.asp.*

The NACMPI meeting agenda, together with information and resource materials on public health-based inspection, is also available on the Internet at, *http://www.fsis.usda.gov/regulations_&_policies/Public_Health_Based_Inspection/index.asp.*

FSIS welcomes comments on the topics discussed at the NACMPI public meeting. Comments may be submitted by any of the following methods:

Electronic mail: *NACMPI@fsis.usda.gov.*

Mail, including floppy disks or CD–ROMs: Send to National Advisory Committee on Meat and Poultry Inspection, United States Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW., Room 1180—South Building, Washington, DC 20250.

Hand- or courier-delivered items: Deliver to Faye Smith at 14th & Independence Avenue, SW., Room 1180–S, Washington, DC. To deliver these items, the building security guard must first call (202) 720–9113.

Facsimile: Send to Faye Smith, (202) 720–5704. All submissions received must include the Agency name and docket number FSIS–2008–0003.

FOR FURTHER INFORMATION: Contact Robert Tynan for technical information at (202) 720–3884, or e-mail *robert.tynan@fsis.usda.gov,* and Faye Smith for meeting information at (202) 720–9113, Fax (202) 720–5704, or e-mail *faye.smith@fsis.usda.gov.* Persons requiring a sign language interpreter or other special accommodations should notify Faye Smith at the numbers above or by e-mail.

SUPPLEMENTARY INFORMATION:

Background

The NACMPI provides advice and recommendations to the Secretary of Agriculture pertaining to the Federal and State meat and poultry inspection programs, pursuant to sections 7(c), 24, 205, 301(a)(3), 301(a)(4), and 301(c) of the Federal Meat Inspection Act (21 U.S.C. 607(c), 624, 645, 661(a)(3), 661(a)(4), and 661(c)) and sections 5(a)(3), 5(a)(4), 5(c), 8(b), and 11(e) of the Poultry Products Inspection Act (21 U.S.C. 454(a)(3), 454(a)(4), 454(c), 457(b), and 460(e)).

The Administrator of FSIS is the chairperson of the Committee. Membership of the Committee is drawn from representatives of consumer groups; producers, processors, and marketers from the meat, poultry and egg product industries; State and local government officials; and academia. The current members of the NACMPI are: Ms. Kibbe M. Conti, Northern Plains Nutrition Consulting, Rapid City, SD; Mr. Brian R. Covington, Keystone Foods LLC, West Conshohocken, PA; Dr. Catherine N. Cutter, Pennsylvania State University, University Park, PA; Dr. James S. Dickson, Iowa State University, Ames, IA; Mr. Kevin M. Elfering, Minnesota Department of Agriculture, St. Paul, MN; Mr. Mike W. Finnegan, Montana Meat & Poultry Inspection Bureau, Helena, MT; Ms. Carol Tucker Foreman, Consumer Federation of America, Chevy Chase, MD; Dr. Andrea L. Grondahl, North Dakota Department of Agriculture, Bismarck, ND; Dr. Joseph J. Harris, Southwest Meat Association, Bryan, TX; Dr. Craig W. Henry, Food Products Association, Washington, DC; Ms. Cheryl D. Jones, Morehouse School of Medicine, Atlanta, GA; Mr. Michael E. Kowalcyk, DunnhumbyUSA LLC, Cincinnati, OH; Dr. Shelton E. Murinda, California State Polytechnic University, Pomona, CA; Dr. Edna Negron-Bravo, University of Puerto Rico, Mayaguez, PR; Dr. Michael L. Rybolt, National Turkey Federation, Washington, DC; Mr. Mark P. Schad, Schad Meats, Inc., Cincinnati, OH; and Dr. Stanley A. Stromberg, Oklahoma Department of Agriculture, Food, and Forestry, Oklahoma City, OK.

The Committee will review a draft report outlining a public health-based slaughter inspection system for young chickens. The components of the planned system are science-based. The focus of the inspection activities in this system are the points within the poultry slaughter process that have the greatest risk for causing microbial or other contamination on young chicken carcasses or otherwise rendering the carcasses adulterated. These focused activities will be performed within the regulatory framework of current FSIS inspection activities regarding verification of Hazard Analysis Critical Control Point systems, Sanitation SOPs, sanitation performance standards, and other regulatory requirements. In addition, FSIS will utilize its inspection resources, including performing Food Safety Assessments on poultry slaughter establishments, as a means of assessing the design of an establishment's inspection system and whether it is under control and functions effectively.

FSIS is considering proposing to require that young chicken slaughter establishments that participate in this inspection system meet public health-based performance standards for microorganisms, such as *Salmonella* and *Campylobacter.* FSIS is also considering to propose that participating young chicken slaughter establishments meet a performance standard for generic *E. coli.* FSIS is considering this standard as a measure of sanitary conditions.

FSIS' traditional method of inspection for young chicken slaughter establishments was designed before microbial contamination was recognized as a leading cause of foodborne human illness. FSIS would like to update the inspection system for young chicken slaughter establishments so that it will function effectively with the significant advances that have been made in the processing methods employed by many of these establishments. FSIS believes that the inspection system that it is considering will be better able to protect public health because it will be better adapted to the methods being used in slaughter plants. FSIS activities will likely focus on establishments and points within the poultry slaughter process at which microbial contamination of young chicken carcasses is likely to occur. Similarly, FSIS believes that the performance standards it is considering will decrease the amount of microbial contamination occurring at the end of the poultry slaughter process.

An approach to inspection that focuses on points within an establishment that present the greatest likelihood of causing microbial and other contamination, and on those establishments with evidence of a loss of process control, could also be applied to processing establishments and to other slaughter establishments in addition to those that slaughter young chickens. The Committee will also review a draft report outlining how a public-health based inspection system could be applied to those establishments and the scientific basis for such a system.

All interested parties are welcome to attend the meetings and to submit written comments and suggestions concerning issues the Committee will review and discuss. The comments and the official transcript of the meeting, when they become available, will be kept in the FSIS Docket Room, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue, SW., Room 2534, South Building, Washington, DC 20250, and posted on the Agency's NACMPI Web site, *http://www.fsis.usda.gov/about_fsis/nacmpi/index.asp.*

Members of the public will be required to register before entering the meeting.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that the public and in particular minorities, women, and persons with disabilities, are aware of this notice, FSIS will announce it on-line through the FSIS Web page located at *http://www.fsis.usda.gov/regulations/2007_Notices_Index/index.asp.* FSIS also will make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is communicated via Listserv, a free e-mail subscription service consisting of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals who have requested to be included. The Update also is available on the FSIS Web page. Through Listserv and the Web page, FSIS is able to provide information to a much broader, more diverse audience.

In addition, FSIS offers an e-mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at *http://www.fsis.usda.gov/news_and_events/email_subscription/.* Options range from recalls to export information to regulations, directives and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

Done at Washington, DC, on January 22, 2008.

Alfred V. Almanza,

Administrator.

[FR Doc. 08–292 Filed 1–22–08; 11:39 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of the Advisory Committee on Agriculture Statistics Meeting

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the National Agricultural Statistics Service (NASS) announces a meeting of the Advisory Committee on Agriculture Statistics.

DATES: The Committee meeting will be held from 8 a.m. to 5 p.m. on Monday, February 25, 2008, and from 8 a.m. to 5 p.m. on Tuesday, February 26, 2008. There will be an opportunity for public questions and comments at 1:50 p.m. on February 26, 2008.

ADDRESSES: The Committee meeting will take place at the Marriott—Louisville Downtown, 280 West Jefferson Street, Louisville, Kentucky 40202. Written comments may be filed before or within a reasonable time after the meeting with the contact person identified herein at: U.S. Department of Agriculture, National Agricultural Statistics Service, 1400 Independence Avenue, SW., Room 5041A, South Building, Washington, DC 20250–2000.

FOR FURTHER INFORMATION CONTACT: Joe Reilly, Executive Director, Advisory Committee on Agriculture Statistics, Telephone: 202–720–4333, Fax: 202–720–9013, or e-mail: *jreilly@nass.usda.gov.*

SUPPLEMENTARY INFORMATION: The Advisory Committee on Agriculture Statistics, which consists of 25 members appointed from 7 categories covering a broad range of agricultural disciplines and interests, has scheduled a meeting on February 25–27, 2008. During this time the Advisory Committee will discuss topics including the USDA Information Technology Consolidation, update on the Data Enclave, Annual NASS Program Priorities, County Estimates Program, Dairy Prices, Environmental and Chemical Use Program, Farm and Ranch Irrigation Survey and Energy Survey, and Agricultural Resource Management Survey.

The Committee meeting is open to the public. The public may file written comments to the USDA Advisory Committee contact person before or within a reasonable time after the meeting. All statements will become a part of the official records of the USDA Advisory Committee on Agriculture Statistics and will be kept on file for public review in the office of the Executive Director, Advisory Committee on Agriculture Statistics, U.S. Department of Agriculture, Washington, DC 20250.

Dated: January 8, 2008, at Washington, DC.

Joseph Reilly,

Acting Administrator, National Agricultural Statistics Service.

[FR Doc. E8–1243 Filed 1–24–08; 8:45 am]

BILLING CODE 3410–20–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Deletions from the Procurement List.

SUMMARY: This action deletes from the Procurement List products and services previously furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Effective Date:* February 24, 2008.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Kimberly M. Zeich, Telephone: (703) 603–7740, Fax: (703) 603–0655, or e-mail *CMTEFedReg@jwod.gov.*

SUPPLEMENTARY INFORMATION:

Deletions

On October 26, November 16 and November 30, 2007, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (72 FR 60797; 64576; 67698) of proposed deletions to the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products and services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action should not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products and services deleted from the Procurement List.

End of Certification

Accordingly, the following products and services are deleted from the Procurement List:

Products

Marker, Tube Type, Transparency
NSN: 7520–00–138–7981
NPA: Winston-Salem Industries for the Blind, Winston-Salem, NC
Contracting Activity: General Services Administration, Office Supplies & Paper Products Acquisition Ctr, New York, NY

Ballpoint Pen, Stick Type
NSN: 7520–01–058–9975

Pen, Non-retractable, Gel Ink, ''Alpha Elite''
NSN: 7520–01–500–5216—Purple

Pen, Gel
NSN: 7520–01–484–5257—Purple, Medium

Pen, Cushion Grip, Transparent (Alpha Grip)
NSN: 7520–01–446–4851—Purple Ink, Fine Point
NSN: 7520–01–446–4852—Purple Inc, Medium Point
NPA: Alphapointe Association for the Blind, Kansas City, MO
Contracting Activity: General Services Administration, Office Supplies & Paper Products Acquisition Ctr, New York, NY

Enamel
NSN: 8010–01–336–5062
NSN: 8010–01–348–3060
NPA: Lighthouse for the Blind, St. Louis, MO
Contracting Activity: General Services Administration, Heartland Global Supply, Kansas City, MO

Towel, Machinery Wiping
NSN: 7920–01–448–7003
NPA: East Texas Lighthouse for the Blind, Tyler, TX
Contracting Activity: General Services Administration, Southwest Supply Center, Fort Worth, TX

Services

Service Type/Location: Food Service Attendant, U.S. Coast Guard, 259 High Street, South Portland, ME.
NPA: Northern New England Employment Services, Portland, ME
Contracting Activity: U.S. Coast Guard, Department of Homeland Security, Norfolk, VA.

Service Type/Location: Machining Parts, Naval Supply Center, Charleston, SC.
NPA: Unknown.
Contracting Activity: Department of the Navy, Charleston, SC.

Kimberly M. Zeich,

Director, Program Operations.

[FR Doc. E8–1337 Filed 1–24–08; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

ACTION: Proposed Additions to and Deletions from the Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List products and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete products and a service previously furnished by such agencies.

Comments Must Be Received On Or Before: February 24, 2008.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT: Kimberly M. Zeich, Telephone: (703) 603–7740, Fax: (703) 603–0655, or e-mail *CMTEFedReg@jwod.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice for each product or service will be required to procure the products and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the Government.

2. If approved, the action will result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products and

services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

End of Certification

The following products and services are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Products

Paper, Xerographic (Chlorine Free)

NSN: 7530–01–503–8441—8½″ x 11″.
NPA: Louisiana Association for the Blind, Shreveport, LA.
Coverage: the remaining General Services Administration (Burlington, NJ depot) requirement. A-list for the total Government Requirement as specified by the General Services Administration.
Contracting Activity: General Services Administration, Office Supplies & Paper Products Acquisition Ctr, New York, NY.

SKILCRAFT Wide Angle Broom

NSN: M.R. 1041.
NPA: L.C. Industries For The Blind, Inc., Durham, NC.
Coverage: C-List for the requirements of the Defense Commissary Agency, Fort Lee, VA.
Contracting Activity: Defense Commissary Agency (DeCA), Fort Lee, VA.

Services

Service Type/Location: Custodial Services, Border Patrol Station, Customs and Border Protection (CBP), 135 Trippany Road, Massena, NY.
NPA: St. Lawrence County Chapter, NYSARC, Canton, NY.
NPA: Employment Source, Inc., Fayetteville, NC.
Contracting Activity: U.S. Department of Homeland Security, Washington, DC.
Service Type/Location: Grounds Maintenance, Fort Jackson, Fort Jackson, SC.
NPA: Employment Source, Inc., Fayetteville, NC.
Contracting Activity: Army Contracting Agency, Fort Jackson, SC.
Service Type/Location: Grounds Maintenance, Janitorial & Facility Maintenance Services, Loyalhanna & Conemaugh Dam, 400 Loyalhanna Dam Road, Saltsburgh, PA.
NPA: The Burnley Workshop of the Poconos, Inc., Stroudsburg, PA.
Contracting Activity: U.S. Army Corps of Engineers—Pittsburgh District, Pittsburgh, PA.
Service Type/Location: Mail Support Services, Bureau of Public Debt, 200 Third Street, Parkersburg, WV.
NPA: ServiceSource, Inc., Alexandria, VA.
Contracting Activity: Department of the Treasury, Bureau of Public Debt, Parkersburg, WV.
Service Type/Location: Mailroom Operations, Internal Revenue Service, 300 E 8th Street & 9430 Research Blvd, Austin, TX.
NPA: Austin Task, Inc., Austin, TX.
NPA: ServiceSource, Inc., Alexandria, VA (PRIME CONTRACTOR).
Contracting Activity: U.S. Department of the Treasury, Internal Revenue Service Headquarters, Oxon Hill, MD.
Service Type/Location: Base Supply Center, Fort Irwin, CA.
NPA: The Lighthouse for the Blind, Inc. (Seattle Lighthouse), Seattle, WA.
Contracting Activity: Department of the Army, National Training Center Acquisition Command, Fort Irwin, CA.
Service Type/Location: Grounds Maintenance, Marine Corps Air Station, New River, Camp Greiger and Camp Johnson, Jacksonville, NC.
NPA: Coastal Enterprises of Jacksonville, Inc., Jacksonville, NC.
Contracting Activity: Naval Facilities Engineering Command (NAVFAC) Mid-Atlantic, Camp Lejeune, NC.
Service Type/Location: Food Service Attendant, Naval Station Mayport (Basewide), Mayport, FL.
NPA: Goodwill Industries of North Florida (GINFL) Services, Inc., Jacksonville, FL.
Contracting Activity: Fleet and Industrial Supply Center—Jacksonville, Jacksonville, FL.

Deletions

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action should not result in additional reporting, recordkeeping or other compliance requirements for small entities.
2. If approved, the action may result in authorizing small entities to furnish the products and service to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products and service proposed for deletion from the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

End of Certification

The following products and service are proposed for deletion from the Procurement List:

Products

Aloud Digital Audio Labeling System

NSN: 6515–00–NIB–0226.
NPA: Central Association for the Blind & Visually Impaired, Utica, NY.
Contracting Activity: Veterans Affairs National Acquisition Center, Hines, IL.

PRC Deck Recoating System

NSN: 8010–00–NIB–0012
NPA: Alphapointe Association for the Blind, Kansas City, MO.
Contracting Activity: Fleet and Industrial Supply Center, Bremerton, WA.

Service

Service Type/Location: Janitorial/Custodial, Social Security Administration Building, 2700 N. Knoxville Avenue, Peoria, IL.
NPA: Community Workshop and Training Center, Inc., Peoria, IL.
Contracting Activity: General Services Administration, Public Buildings Service, Region 5, Springfield, IL.

Kimberly M. Zeich,

Director, Program Operations.

[FR Doc. E8–1336 Filed 1–24–08; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Action Affecting Export Privileges; Juan Sevilla; JS Engineering and Cientec, S.A. de. C.V.; In the Matter of Juan Sevilla 16123 Ardath Avenue Gardena, California 90249, Respondent; JS Engineering 16123 Ardath Avenue Gardena, California 90249 and Cientec, S.A. de. C.V. Acatempan No. 2112 Chapultepec Country, 44620 Guadalajara, Jalisco Mexico; Related Persons

Order Denying Export Privileges

A. Denial of Export Privileges of Juan Sevilla

On December 5, 2006, in the U.S. District Court for the Northern District of Illinois, Juan Sevilla (''Sevilla'') was found guilty on one count of violating the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (2000)) (''IEEPA''). Specifically, the Court found that Sevilla knowingly and willfully attempted to engage in the unauthorized sale and export to Iran of a United Computer Inclusive Hydraulic Floor Model Testing Machine. The testing machine is classified as EAR99. These systems test metals or plastic materials for tensile strength and the export of these systems to Iran requires an individual validated license from the Department of the Treasury, Office of Foreign Assets Control (''OFAC''). Failing to obtain the proper OFAC license for this item is also a violation of the Export Administration Regulations (''Regulations'').[1] Sevilla was sentenced to probation for five years with a period of home

[1] The Regulations are currently codified at 15 CFR Parts 730–774 (2007).

confinement of six months. The judge also ordered 100 hours of community service, a $100.00 special assessment and a $10,000.00 fine.

Section 11(h) of the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C. Section 2401–2420 (2000)) (the ''Act'')[2] and Section 766.25 of the Regulations provide, in pertinent part, that ''[t]he Director of Exporter Services, in consultation with the Director of the Office of Export Enforcement, may deny export privileges of any person who has been convicted of a violation of * * * IEEPA'' for a period not to exceed 10 years from the date of conviction. 15 CFR 766.25(a) and (d). In addition, Section 750.8 of the Regulations states that BIS's Office of Exporter Services may revoke any BIS licenses previously issued in which the person had an interest at the time of his conviction.

I have received notice of Sevilla's conviction for violating the IEEPA, and have provided notice and an opportunity for Sevilla to make a written submission to the Bureau of Industry and Security as provided in Section 766.25 of the Regulations. I have received a written submission from Sevilla and, following consultations with the Office of Export Enforcement, including its Director, have decided to deny Sevilla's export privileges under the Regulations for a period of five years from the date of Sevilla's conviction. I have also decided to revoke all licenses issued pursuant to the Act or Regulations in which Sevilla had an interest at the time of his conviction.

B. Denial of Export Privileges of Related Persons

Pursuant to Sections 766.25(h) and 766.23 of the Regulations, the Director of BIS's Office of Exporter Services, in consultation with the Director of BIS's Office of Export Enforcement, may take action to name persons related to a Respondent by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business in order to prevent evasion of a denial order. I gave notice to Cientec, S.A. de C.V. (''Cientec'') and JS Engineering that their export privileges under the Regulations could be denied for up to 10 years due to their relationship with Sevilla and because BIS believes that naming them as persons related to Sevilla would be necessary to prevent evasion of a denial order imposed against Sevilla. Sevilla is the founder, owner and president of Cientec, S.A. Sevilla is also the owner of JS Engineering, an affiliate of Cientec based out of Sevilla's home in Gardenia, CA. JS Engineering and Cientec are related to Sevilla by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business. BIS believes that naming Cientec and JS Engineering as persons related to Sevilla is necessary to avoid evasion of the denial order against Sevilla because of the likelihood that Sevilla would continue to engage in trade through these companies.

After receiving and considering submissions from JS Engineering and Cientec, I have decided, following consultations with the Office of Export Enforcement, including its Director, to name JS Engineering and Cientec as Related Persons to the Sevilla Denial Order, thereby denying their export privileges for five years from the date of Sevilla's conviction.

I have also decided to revoke all licenses issued pursuant to the Act or Regulations in which the Related Persons had an interest at the time of Sevilla's conviction. The five-year denial period will end on December 5, 2011.

Accordingly, it is hereby

Ordered

I. Until December 5, 2011, Juan Sevilla, 16123 Ardath Avenue, Gardena, California 90249, when acting for or on behalf of Sevilla, his representatives, assigns, agents or employees, (''the Denied Person'') and the following persons related to the Denied Person as defined by Section 766.23 of the Regulations: JS Engineering, 16123 Ardath Avenue, Gardena, California 90249 and Cientec, S.A. de. C.V., Acatempan No. 2112, Chapultepec Country, 44620, Guadalajara, Jalisco, Mexico, and when acting for or on their behalf, their employees, agents or representatives, (''the Related Persons'') (together, the Denied Person and the Related Persons are ''Persons Subject To This Order'') may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, or in any other subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

II. No person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Persons Subject To This Order any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Persons Subject To This Order of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Persons Subject To This Order acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Persons Subject To This Order of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Persons Subject To This Order in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Persons Subject To This Order, or service any item, of whatever origin, that is owned, possessed or controlled by the Persons Subject To This Order if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

III. In addition to the Related Persons named above, after notice and opportunity for comment as provided in section 766.23 of the Regulations, any other person, firm, corporation, or

[2] 50 U.S.C. app. Section 2401–2420. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), as extended by the Notice of August 15, 2007 (72 FR 46137, Aug. 16, 2007), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (2000)) (''IEEPA'').

business organization related to Sevilla by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of this Order if necessary to prevent evasion of the Order.

IV. This Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

V. This Order is effective immediately and shall remain in effect until December 5, 2011.

VI. In accordance with Part 756 of the Regulations, Sevilla may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

VII. In accordance with Part 756 of the Regulations, the Related Persons may also file an appeal of this Order with the Under Secretary of Commerce for Industry and Security.

VIII. A copy of this Order shall be delivered to Sevilla and the Related Persons. This Order shall be published in the **Federal Register**.

Dated: January 16, 2008.

Eileen M. Albanese,

Director, Office of Exporter Services.

[FR Doc. 08–293 Filed 1–24–08; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Transportation and Related Equipment Technical Advisory Committee; Notice of Partially Closed Meeting

The Transportation and Related Equipment Technical Advisory Committee will meet on February 6, 2007, 9:30 a.m., in the Herbert C. Hoover Building, Room 3884, 14th Street between Constitution & Pennsylvania Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to transportation and related equipment or technology.

Public Session

1. Welcome and Introductions.
2. Working Group Reports.

—Composite Working Group

—Engine Hot Section—Combustors and Turbines

—Helicopter Power Transfer Systems

—Jurisdiction—17C—Interpretation 9

—Flight Controls and Heads Up Displays

—Inertial

—Marine

3. Comments from the public.

Closed Session

4. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 section 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yspringer@bis.doc.gov* no later than January 30, 2008.

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via e-mail.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 17, 2008, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 section (10)(d)), that the portion of the meeting dealing with matters the disclosure of which would be likely to frustrate significantly implementation of an agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 section 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Dated: January 18, 2008.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. E8–1294 Filed 1–24–08; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No.: 071220879–8021–01]

Measurement, Science and Engineering Grants Programs; Availability of Funds

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice.

SUMMARY: The National Institute of Standards and Technology (NIST) announces that the following programs are soliciting applications for financial assistance for FY 2008: (1) The Electronics and Electrical Engineering Laboratory Grants Program; (2) the Manufacturing Engineering Laboratory Grants Program; (3) the Chemical Science and Technology Laboratory Grants Program; (4) the Physics Laboratory Grants Program; (5) the Materials Science and Engineering Laboratory Grants Program; (6) the Building Research Grants and Cooperative Agreements Program; (7) the Fire Research Grants Program; (8) the Information Technology Laboratory Grants Program; (9) the NIST Center for Neutron Research Grants Program; (10) Center for Nanoscale Science and Technology Grants Program; and (11) the NCNR Sample Environment Equipment Financial Assistance Program. Each program will only consider applications that are within the scientific scope of the program as described in this notice and in the detailed program descriptions found in the Federal Funding Opportunity (FFO) announcement for these programs. Prior to preparation of a proposal, it is strongly suggested that potential applicants contact the Program Manager for the appropriate field of research, as specified in the FFO announcement found at *http://www.grants.gov*, for clarification of the program objectives and to determine whether their proposal is responsive to this notice.

DATES: See below.

ADDRESSES: See below.

SUPPLEMENTARY INFORMATION:

Catalog of Federal Domestic Assistance Name and Number: Measurement and Engineering Research and Standards—11.609.

Electronics and Electrical Engineering Laboratory (EEEL) Grants Program

Program Description: The *Electronics and Electrical Engineering Laboratory (EEEL) Grants Program* will provide grants and cooperative agreements for

the development of fundamental electrical metrology and of metrology supporting industry and government agencies in the broad areas of semiconductors, electronic instrumentation, radio-frequency technology, optoelectronics, magnetics, superconductors, electronic commerce as applied to electronic products and devices, the transmission and distribution of electrical power, national electrical standards (fundamental, generally quantum-based physical standards), and law enforcement standards.

DATES: All applications, paper and electronic, must be received no later than 5 p.m. Daylight Savings Time on June 15, 2008.

ADDRESSES: *Paper applications must be submitted to:* Sheilda Bryner, Electronics and Electrical Engineering Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8100, Gaithersburg, MD 20899–8100. Electronic applications and associated proposal information should be uploaded to *http://www.grants.gov*.

FOR FURTHER INFORMATION CONTACT: For complete information about this program and instructions for applying by paper or electronically, read the Federal Funding Opportunity (FFO) Notice at *http://www.grants.gov*. A paper copy of the FFO may be obtained by calling (301) 975–6328. Program questions should be addressed to Sheilda Bryner, Electronics and Electrical Engineering Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8100, Gaithersburg, MD 20899–8100, *Tel.:* (301) 975–2220, *Fax:* (301) 975–4091. Grants administration questions concerning this program should be addressed to: Melinda Chukran, NIST Grants and Agreements Management Division, (301) 975–5266; *melinda.chukran@nist.gov*. For assistance with using *http://www.grants.gov*, contact *support@grants.gov*.

Funding Availability

In fiscal year 2007, the *EEEL Grants Program* made 10 new awards, totaling $636,245. The amount available each year fluctuates considerably based on programmatic needs and funding availability. For FY 2008, individual awards are expected to range between $5,000 and $150,000.

For the *Electronics and Electrical Engineering Laboratory Grants Program*, proposals will be considered for research projects from one to three years. When a proposal for a multi-year award is approved, funding will generally be provided for only the first year of the program. If an application is selected for funding, NIST has no obligation to provide any additional funding in connection with that award. Continuation of an award to increase funding or extend the period of performance is at the total discretion of NIST. Funding for each subsequent year of a multi-year proposal will be contingent upon satisfactory progress, continued relevance to the mission of the *Electronics and Electrical Engineering Laboratory Grants Program*, and the availability of funds. The multi-year awards must have scopes of work that can be easily separated into annual increments of meaningful work that represent solid accomplishments if prospective funding is not made available to the applicant (i.e., the scopes of work for each funding period must produce identifiable and meaningful results in and of themselves).

Statutory Authority: As authorized by 15 U.S.C. 272(b) and (c), the NIST Electronics and Electrical Engineering Laboratory conducts a basic and applied research program directly and through grants and cooperative agreements to eligible recipients.

Eligibility: The *Electronics and Electrical Engineering Laboratory Grants Program* is open to institutions of higher education; hospitals; non-profit organizations; commercial organizations; state, local, and Indian tribal governments; foreign governments; organizations under the jurisdiction of foreign governments; and international organizations.

Review and Selection Process: For the Electronics and Electrical Engineering Laboratory Grants Program, proposals will be reviewed in a three-step process. First, the EEEL Grants Coordinator, or the Deputy Director of EEEL, will determine the compatibility of the applicant's proposal with EEEL Program Areas and the relevance to the objectives of the *Electronics and Electrical Engineering Laboratory Grants Program*, described in the Program Description section above. If it is determined that the proposal is incomplete or non-responsive to the scope of the stated objectives, the proposal will not be reviewed for technical merit. If it is determined that all funds available for the *EEEL Grants Program* for the given fiscal year have been exhausted, the proposal will not be reviewed for technical merit. Proposers may contact EEEL at 301–975–2220 to find out if funds have been exhausted for the fiscal year. EEEL will also post a notice on its Web site, *http://www.eeel.nist.gov/eeel_grants/,* when funds are exhausted for the fiscal year. EEEL will notify proposers in writing if their proposals are not reviewed for technical merit.

Second, proposals will be distributed for technical review by the EEEL Grants Coordinator, or other technical professionals familiar with the programs of the Electronics and Electrical Engineering Laboratory, to the appropriate Division or Office based on technical area. At least three independent, objective individuals knowledgeable about the particular scientific area addressed by the proposal will conduct a technical review based on the evaluation criteria. If non-Federal reviewers are used, the reviewers may discuss the proposals with each other, but scores will be determined on an individual basis, not as a consensus.

Reviews will be conducted on a monthly basis, and all proposals received on or before the 15th day of the month will be ranked based on the reviewers' scores.

Third, the Division Chief or Office Director will make application selections. In making application selections, the Division Chief or Office Director will take into consideration the results of the reviewers' evaluations, the availability of funding, and relevance to the objectives or research areas of the *Electronics and Electrical Engineering Laboratory Grants Program*, as described in the Program Description section above. The final approval of selected applications and award of financial assistance will be made by the NIST Grants Officer based on compliance with application requirements as published in this notice, compliance with applicable legal and regulatory requirements, and whether the recommended applicants appear to be responsible. Applicants may be asked to modify objectives, work plans, or budgets and provide supplemental information required by the agency prior to award. The decision of the Grants Officer is final.

Unsuccessful applicants will be notified in writing. The Program will retain one copy of each unsuccessful application for three years for record keeping purposes. The remaining copies will be destroyed.

Evaluation Criteria: For the *Electronics and Electrical Engineering Laboratory Grants Program*, the evaluation criteria and weights to be used by the technical reviewers in evaluating the proposals are as follows:

Proposal addresses specific program objectives as described in this notice (25%)

Proposal provides evidence of applicant's expertise in relevant technical area (20%)
Proposal offers innovative approach (20%)
Proposal provides realistic schedule with defined milestones (20%)
Proposal provides adequate rationale for budget (15%)

Cost Share Requirements: The *Electronics and Electrical Engineering Laboratory Grants Program* does not require any matching funds.

Manufacturing Engineering Laboratory (MEL) Grants Program

Program Description: The *Manufacturing Engineering Laboratory (MEL) Grants Program* will provide grants and cooperative agreements in the following fields of research: Dimensional Metrology for Manufacturing, Mechanical Metrology for Manufacturing, Machine Tool and Machining Process Metrology, Intelligent Systems, and Information Systems Integration for Applications in Manufacturing. Specific information regarding program objectives can be found in the corresponding Federal Funding Opportunity for this announcement.

Dates: Applications will be considered on a continuing basis. Applications received after June 1, 2008 may be processed and considered for funding under this solicitation in the current fiscal year or in the next fiscal year, subject to the availability of funds. Applications, paper and electronic, must be received prior to the publication date in the **Federal Register** of the FY 2009 solicitation for the MEL Grants Program in order to be processed under this solicitation.

Addresses: Paper applications must be submitted to: Ms. Alana Glover, Manufacturing Engineering Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8200, Building 220, Room B322, Gaithersburg, Maryland 20899–8200. Electronic applications and associated proposal information should be uploaded to *http://www.grants.gov*.

For Further Information Contact: For complete information about this program and instructions for applying by paper or electronically, read the Federal Funding Opportunity (FFO) Notice at *http://www.grants.gov*. A paper copy of the FFO may be obtained by calling (301) 975–6328. Program questions should be addressed to Ms. Alana Glover, Manufacturing Engineering Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8200, Building 220, Room B322, Gaithersburg, Maryland 20899–8200, *Tel*: (301) 975–3400, *E-mail: aglover@nist.gov*. Grants administration questions concerning this program should be addressed to: Melinda Chukran, NIST Grants and Agreements Management Division, (301) 975–5266; *melinda.chukran@nist.gov*. For assistance with using *http://www.grants.gov*, contact *support@grants.gov*.

Funding Availability: In fiscal year 2007, the *MEL Grants Program* funded 8 new awards, totaling $729,775.49. In fiscal year 2008 the *MEL Grants Program* anticipates funding of approximately $500,000. Individual awards are expected to range from approximately $25,000 to $250,000.

For the *MEL Grants Program*, proposals will be considered for research projects from one to five years. When a proposal for a multi-year award is approved, funding will generally be provided for only the first year of the program. If an application is selected for funding, NIST has no obligation to provide any additional funding in connection with that award. Continuation of an award to increase funding or extend the period of performance is at the total discretion of NIST. Funding for each subsequent year of a multi-year proposal will be contingent upon satisfactory progress, continued relevance to the mission of the MEL program, and the availability of funds. The multi-year awards must have scopes of work that can be easily separated into annual increments of meaningful work that represent solid accomplishments if prospective funding is not made available to the applicant, (i.e., the scopes of work for each funding period must produce identifiable and meaningful results in and of themselves).

Statutory Authority: As authorized under 15 U.S.C. 272(b) and (c), the MEL conducts a basic and applied research program directly and through grants and cooperative agreements to eligible recipients.

Eligibility: The *MEL Grants Program* is open to institutions of higher education; hospitals; non-profit organizations; commercial organizations; state, local, and Indian tribal governments; foreign governments; organizations under the jurisdiction of foreign governments; and international organizations.

Review and Selection Process: For the *MEL Grants Program* responsive proposals will be assigned, as received on a rolling basis, to the most appropriate area for review. Proposals will be reviewed in a three-step process. First, the MEL Deputy Director or the appropriate MEL Division Chief will determine the applicability of the proposal with regard to MEL programs and the relevance of the proposal's objectives to current MEL research. If it is determined that the proposal is incomplete or non-responsive to the scope of the stated objectives, the proposal will not be reviewed for technical merit. Second, the appropriate MEL Division Chief or MEL Program Manager will determine the possibility for funding availability within the MEL technical program area most relevant to the objectives of the proposal. If it is determined that sufficient funding is not available to consider grants proposals in the technical area of the proposal, the proposal will not be reviewed for technical merit. Third, if the proposal passes the first two steps, at least three independent, objective individuals knowledgeable about the particular scientific area addressed by the proposal will conduct a technical review based on the evaluation criteria. If non-Federal reviewers are used, the reviewers may discuss the proposal with each other, but scores will be determined on an individual basis, not as a consensus.

The MEL Director or appropriate MEL Division Chief will make application selections from the grants proposals submitted. In making the application selections, the Laboratory Director or Division Chief will take into consideration the results of the reviewers' evaluations, the availability of funds, and relevance to the objectives or research areas of the *MEL Grants Program*. These objectives are described above in the Program Description section.

The final approval of selected applications and award of financial assistance will be made by the NIST Grants Officer based on compliance with application requirements as published in this notice, compliance with applicable legal and regulatory requirements, and whether the recommended applicants appear to be responsible. Applicants may be asked to modify objectives, work plans, or budgets and provide supplemental information required by the agency prior to award. The decision of the Grants Officer is final.

Unsuccessful applicants will be notified in writing. The Program will retain one copy of each unsuccessful application for three years for record keeping purposes. The remaining copies will be destroyed.

Evaluation Criteria: For the *MEL Grants Program*, the evaluation criteria the technical reviewers will use in evaluating the proposals are as follows:

1. Rationality. Reviewers will consider the coherence of the applicant's approach and the extent to

which the proposal effectively addresses scientific and technical issues.

2. Technical Merit of Contribution. Reviewers will consider the potential technical effectiveness of the proposal and the value it would contribute to the field of manufacturing engineering and metrology research. Proposals must be relevant to current MEL research and have a relation to the objectives of ongoing MEL programs and activities.

3. Qualifications of Technical Personnel. Reviewers will consider the professional accomplishments, skills, and training of the proposed personnel to perform the work in the project.

4. Resources Availability. Reviewers will consider the extent to which the proposer has access to the necessary facilities and overall support to accomplish project objectives.

Each of these factors will be given equal weight in the evaluation process.

Cost Share Requirements: The *MEL Grants Program* does not require any matching funds.

Chemical Science and Technology Laboratory Grants Program

Program Description: The Chemical Science and Technology Laboratory (CSTL) Grants Program will provide grants and cooperative agreements consistent with the CSTL mission in the following fields of measurement science research, focused on reference methods, reference materials and reference data: Biochemical Science Process Measurements, Surface and Microanalysis Science, Physical and Chemical Properties, and Analytical Chemistry. Specific information regarding program objectives can be found in the corresponding Federal Funding Opportunity for this announcement.

The Programs are structured to support CSTL's three objectives:

1. Provide the national traceability and international comparability structure for measurements in chemistry, chemical engineering, and biochemical sciences.

2. Assure that U.S. industry has access to accurate and reliable data and predictive models to determine the chemical and physical properties of materials and processes;

3. Anticipate and address next-generation measurement needs of the Nation.

Dates: Applications will be considered on a continuing basis. Applications received after June 1, 2008 may be processed and considered for funding under this solicitation in the current fiscal year or in the next fiscal year, subject to the availability of funds. Applications, paper and electronic, must be received prior to the publication date in the **Federal Register** of the FY 2009 solicitation for the CSTL Grants Program in order to be processed under this solicitation.

Addresses: Paper applications must be submitted to: Ms. Donna Kimball, Chemical Science and Technology Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8300, Gaithersburg, MD 20899–8300. Electronic applications and associated proposal information should be uploaded to *http://www.grants.gov*.

For Further Information Contact: For complete information about this program and instructions for applying by paper or electronically, read the Federal Funding Opportunity (FFO) Notice at *http://www.grants.gov*. A paper copy of the FFO may be obtained by calling (301) 975–6328. Program questions should be addressed to Ms. Donna Kimball, Chemical Science and Technology Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8300, Gaithersburg, MD 20899–8300, Tel (301) 975–8300, *E-Mail: donna.kimball@nist.gov*. Grants administration questions concerning this program should be addressed to: Melinda Chukran, NIST Grants and Agreements Management Division, (301) 975–5266; *melinda.chukran@nist.gov*. For assistance with using *http://www.grants.gov*, contact *support@grants.gov*.

Funding Availability

No funds have been set aside specifically for the *CSTL Grants Program*. The availability of funds depends upon actual authorization of funds and other costs expected to be incurred by individual divisions within the laboratory. Where funds are identified as available for grants, those funds will be awarded to highly ranked proposals as determined by the process described in this notice.

In fiscal year 2007, the *CSTL Grants Program* funded 4 new awards, totaling $341,195.00. In fiscal year 2008, the *CSTL Grants Program* anticipates funding of approximately $1,000,000. Individual awards are expected to range from approximately $5,000 to $100,000.

For the *Chemical Science and Technology Laboratory Grant Program,* proposals will be considered for research projects from one to three years. When a proposal for a multi-year award is approved, funding will generally be provided for only the first year of the program. If an application is selected for funding, NIST has no obligation to provide any additional funding in connection with that award. Continuation of an award to increase funding or extend the period of performance is at the total discretion of NIST. Funding for each subsequent year of a multi-year proposal will be contingent upon satisfactory progress, continued relevance to the mission of the Chemical Science and Technology Laboratory program, and the availability of funds. The multi-year awards must have scopes of work that can be easily separated into annual increments of meaningful work that represent solid accomplishments if prospective funding is not made available to the applicant, (i.e. the scopes of work for each funding period must produce identifiable and meaningful results in and of themselves).

Statutory Authority: As authorized under 15 U.S.C. 272(b) and (c), the Chemical Science and Technology Laboratory conducts a basic and applied research program directly and through grants and cooperative agreements to eligible recipients.

Eligibility: The *Chemical Science and Technology Laboratory Grants Program* is open to institutions of higher education; hospitals; non-profit organizations; commercial organizations; state, local, and Indian tribal governments; foreign governments; organizations under the jurisdiction of foreign governments; and international organizations.

Review and Selection Process: For the *Chemical Science and Technology Laboratory Grants Program*, proposals will be reviewed in a three-step process. First, the Deputy Director of CSTL, or appropriate CSTL Division Chief, will determine the compatibility of the applicant's proposal with CSTL Program Areas and the relevance to the objectives of the *Chemical Science and Technology Laboratory Grants Program*, described in the Program Description section above. If it is determined that the proposal is incomplete or non-responsive to the scope of the stated objectives, the proposal will not be reviewed for technical merit.

Second, at least three independent, objective individuals knowledgeable about the particular measurement science area addressed by the proposal will conduct a technical review based on the evaluation criteria. Reviews will be conducted on a quarterly basis, subject to the availability of funds, and all responsive, complete proposals received and reviewed since the last quarter will be ranked based on the reviewers' scores. If non-Federal reviewers are used, the reviewers may discuss the proposals with each other,

but scores will be determined on an individual basis, not as a consensus.

Third, the Division Chief and the CSTL Deputy Director, in collaboration, will make application selections, taking into consideration the results of the reviewers' evaluations, the availability of funds, and the relevance to the objectives or research areas described in the Program Description section above.

The final approval of selected applications and award of financial assistance will be made by the NIST Grants Officer based on compliance with application requirements as published in this notice, compliance with applicable legal and regulatory requirements, and whether the recommended applicants appear to be responsible. Applicants may be asked to modify objectives, work plans, or budgets and provide supplemental information required by the agency prior to award. The decisions of the Grants Officer are final.

Unsuccessful applicants will be notified in writing. The Program will retain one copy of each unsuccessful application for three years for record-keeping purposes. The remaining copies will be destroyed.

Evaluation Criteria: For the *Chemical Science and Technology Laboratory Grants Program*, the evaluation criteria the technical reviewers will use in evaluating the proposals are as follows:

1. Rationality. Reviewers will consider the coherence of the applicant's approach and the extent to which the proposal effectively addresses scientific and technical issues.

2. Qualifications of Technical Personnel. Reviewers will consider the professional accomplishments, skills, and training of the proposed personnel to perform the work in the project.

3. Resources Availability. Reviewers will consider the extent to which the proposer has access to the necessary facilities and overall support to accomplish project objectives.

4. Technical Merit of Contribution. Reviewers will consider the potential technical effectiveness of the proposal and the value it would contribute to the field of measurement science, especially as it pertains to reference methods, reference materials and reference data in Chemical Science and Technology.

Each of these factors will be given equal weight in the evaluation process.

Cost Share Requirements: The *Chemical Science and Technology Laboratory Grants Program* does not require any matching funds.

Physics Laboratory Grants Program

Program Description: The Physics Laboratory (PL) Grants Program will provide grants and cooperative agreements in the following fields of research: Electron and Optical Physics, Atomic Physics, Optical Technology, Ionizing Radiation, Time and Frequency, and Quantum Physics. Specific information regarding program objectives can be found in the corresponding Federal Funding Opportunity for this announcement.

Dates: Applications will be considered on a continuing basis. Applications received after June 1, 2008 may be processed and considered for funding under this solicitation in the current fiscal year or in the next fiscal year, subject to the availability of funds. Applications, paper and electronic, must be received prior to the publication date in the **Federal Register** of the FY 2009 solicitation for the Physics Grants Program in order to be processed under this solicitation.

Addresses: Paper applications must be submitted to: Ms. Anita Sweigert, Physics Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8400, Gaithersburg, MD 20899–8400. Electronic applications and associated proposal information should be uploaded to *http://www.grants.gov*.

For Further Information Contact: For complete information about this program and instructions for applying by paper or electronically, read the Federal Funding Opportunity (FFO) Notice at *http://www.grants.gov*. A paper copy of the FFO may be obtained by calling (301) 975–6328. Program questions should be addressed to Ms. Anita Sweigert, Physics Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8400, Gaithersburg, MD 20899–8400, Tel (301) 975–4200, E-mail: *anita.sweigert@nist.gov*. It is strongly suggested to first confirm the program objectives with the Program Manager prior to preparing a detailed proposal. Grants administration questions concerning this program should be addressed to: Melinda Chukran, NIST Grants and Agreements Management Division, (301) 975–5266; *melinda.chukran@nist.gov*. For assistance with using *http://www.grants.gov,* contact *support@grants.gov.*

Funding Availability

In fiscal year 2007, the PL Grants Program funded 13 new awards, totaling $1,718,401.00. In fiscal year 2008, the PL Grants Program anticipates funding of approximately $2,000,000, including new awards and continuing projects. Funding availability will be apportioned by quarter. Individual awards are expected to range from approximately $5,000 to $500,000 per year.

For the *Physics Laboratory Grants Program,* proposals will be considered for research projects from one to five years. When a proposal for a multi-year project is approved, funding will generally be provided for only the first year of the program. If an application is selected for funding, NIST has no obligation to provide any additional funding in connection with that award. Continuation of an award to increase funding or extend the period of performance is at the total discretion of NIST. Funding for each subsequent year of a multi-year proposal will be contingent upon satisfactory progress, continued relevance to the mission of the Physics Laboratory program, and the availability of funds. The multi-year awards must have scopes of work that can be easily separated into annual increments of meaningful work that represent solid accomplishments if prospective funding is not made available to the applicant (i.e., the scopes of work for each funding period must produce identifiable and meaningful results in and of themselves).

Statutory Authority: As authorized under 15 U.S.C. 272(b) and (c), the Physics Laboratory conducts a basic and applied research program directly and through grants and cooperative agreements to eligible recipients.

Eligibility: The *Physics Laboratory Grants Program* is open to institutions of higher education; hospitals; non-profit organizations; commercial organizations; state, local, and Indian tribal governments; foreign governments; organizations under the jurisdiction of foreign governments; and international organizations.

Review and Selection Process: For the *Physics Laboratory Grants Program,* responsive proposals will be considered as follows: First, at least three independent, objective individuals knowledgeable about the particular scientific area described in the proposal will conduct a technical review of each proposal, based on the evaluation criteria. Reviews will be conducted on a monthly basis within each division of the Physics Laboratory, and all proposals received during the month will be ranked based on the reviewers' scores. If non-Federal reviewers are used, reviewers may discuss the proposals with each other, but scores will be determined on an individual basis, not as a consensus.

Next, the Division Chief will make final application selections, taking into consideration the results of the reviewers' evaluations, including rank;

the compilation of a slate that, when taken as a whole, is likely to best further the program interests described in the Program Description section above; and the availability of funds. The final approval of selected applications and award of financial assistance will be made by the NIST Grants Officer based on compliance with application requirements as published in this notice, compliance with applicable legal and regulatory requirements, and whether the recommended applicants appear to be responsible.

Applicants may be asked to modify objectives, work plans, or budgets and provide supplemental information required by the agency prior to award.

The decisions of the Grants Officer are final.

Unsuccessful applicants will be notified in writing. The Program will retain one copy of each unsuccessful application for three years for record-keeping purposes. The remaining copies will be destroyed.

Evaluation Criteria: For the *Physics Laboratory Grants Program,* the evaluation criteria the technical reviewers will use in evaluating the proposals are as follows:

1. Rationality. Reviewers will consider the coherence of the applicant's approach and the extent to which the proposal effectively addresses scientific and technical issues that are relevant to Physics Laboratory programs.

2. Qualifications of Technical Personnel. Reviewers will consider the professional accomplishments, skills, and training of the proposed personnel to perform the work in the project.

3. Resources Availability. Reviewers will consider the extent to which the proposer has access to the necessary facilities and overall support to accomplish project objectives.

4. Technical Merit of Contribution. Reviewers will consider the potential technical effectiveness of the proposal and the value it would contribute to the field of physics.

Each of these factors will be given equal weight in the evaluation process.

Cost Share Requirements: The Physics Laboratory Grants Program does not require any matching funds.

MSEL Grants Program

Program Description: The Materials Science and Engineering Laboratory (MSEL) Grants Program will provide grants and cooperative agreements in the following fields of research: Ceramics, Metallurgy, Polymers, and Materials Reliability. Specific information regarding program objectives can be found in the corresponding Federal Funding Opportunity for this announcement.

Dates: Applications will be considered on a continuing basis. Applications received after June 1, 2008 may be processed and considered for funding under this solicitation in the current fiscal year or in the next fiscal year, subject to the availability of funds. Applications, paper and electronic, must be received prior to the publication date in the **Federal Register** of the FY 2009 solicitation for the MSEL Grants Program in order to be processed under this solicitation.

Addresses: Paper applications must be submitted to: Ms. Nancy Selepak, Materials Science and Engineering Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8500, Gaithersburg, Maryland 20899–8500. Electronic applications and associated proposal information should be uploaded to *http://www.grants.gov.*

For Further Information Contact: For complete information about this program and instructions for applying by paper or electronically, read the Federal Funding Opportunity (FFO) Notice at *http://www.grants.gov.* A paper copy of the FFO may be obtained by calling (301) 975–6328. Program questions should be addressed to Ms. Nancy Selepak, Materials Science and Engineering Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8500, Gaithersburg, Maryland 20899–8500, *Tel:* (301) 975–2047, *E-mail: nancy.selepak@nist.gov.* Grants administration questions concerning this program should be addressed to: Melinda Chukran, NIST Grants and Agreements Management Division, (301) 975–5266; *melinda.chukran@nist.gov.* For assistance with using *http://www.grants.gov,* contact *support@grants.gov.*

Funding Availability

In fiscal year 2007, the *MSEL Grants Program* funded 19 new awards, totaling $1,484,478.66. In fiscal year 2008, the *MSEL Grants Program* anticipates funding of approximately $3,300,000, including new awards and continuing projects. Most grants and cooperative agreements are expected to be in the $2,000 to $500,000 per year range.

For the *MSEL Grants Program,* proposals will be considered for research projects from one to five years. When a proposal for a multi-year award is approved, funding will generally be provided for only the first year of the program. If an application is selected for funding, NIST has no obligation to provide any additional funding in connection with that award. Continuation of an award to increase funding or extend the period of performance is at the total discretion of NIST. Funding for each subsequent year of a multi-year proposal will be contingent upon satisfactory progress, continued relevance to the mission of the MSEL program, and the availability of funds. The multi-year awards must have scopes of work that can be easily separated into annual increments of meaningful work that represent solid accomplishments if prospective funding is not made available to the applicant (i.e., the scopes of work for each funding period must produce identifiable and meaningful results in and of themselves).

Statutory Authority: As authorized under 15 U.S.C. 272(b) and (c), the MSEL conducts a basic and applied research program directly and through grants and cooperative agreements to eligible recipients.

Eligibility: The *MSEL Grants Program* is open to institutions of higher education; hospitals; non-profit organizations; commercial organizations; state, local, and Indian tribal governments; foreign governments; organizations under the jurisdiction of foreign governments; and international organizations.

Review and Selection Process: For the *MSEL Grants Program,* proposals will be reviewed in a two-step process. First, at least three independent, objective individuals knowledgeable in the particular scientific area addressed by the proposal will conduct a technical review. Proposals are received on a rolling basis and will be reviewed based on the evaluation criteria. If non-Federal reviewers are used, the reviewers may discuss the proposals with each other, but scores will be determined on an individual basis, not as a consensus. Second, the Division Chief or Laboratory Deputy Director will make application selections. In making application selections, the Division Chief or Laboratory Deputy Director will take into consideration the results of the reviewers' evaluations, the availability of funds, and relevance to the objectives or research areas of the MSEL Grants Program, described in the Program Description section of the FFO. For conferences, workshops, or other technical research meetings, the Division Chief or Laboratory Deputy Director will also take into consideration whether they align with ongoing MSEL programmatic activities. The final approval of selected applications and award of financial assistance will be made by the NIST Grants Officer based on compliance

with application requirements as published in this notice, compliance with applicable legal and regulatory requirements, and whether the recommended applicants appear to be responsible. Applicants may be asked to modify objectives, work plans, or budgets and provide supplemental information required by the agency prior to award. The decision of the Grants Officer is final.

Unsuccessful applicants will be notified in writing. The Program will retain one copy of each unsuccessful application for three years for record-keeping purposes. The remaining copies will be destroyed.

Evaluation Criteria: For the *MSEL Grants Program,* the evaluation criteria the technical reviewers will use in evaluating the proposals are as follows:

1. Rationality. Reviewers will consider the coherence of the applicant's approach and the extent to which the proposal effectively addresses scientific and technical issues.

2. Qualifications of Technical Personnel. Reviewers will consider the professional accomplishments, skills, and training of the proposed personnel to perform the work in the project.

3. Resources Availability. Reviewers will consider the extent to which the proposer has access to the necessary facilities and overall support to accomplish project objectives.

4. Technical Merit of Contribution. Reviewers will consider the potential technical effectiveness of the proposal and the value it would contribute to the field of materials science and engineering. Proposals must be relevant to current MSEL research and have a relation to the objectives of ongoing MSEL programs and activities.

Each of these factors will be given equal weight in the evaluation process.

Cost Share Requirements: The *MSEL Grants Program* does not require any matching funds.

Building Research Grants and Cooperative Agreements Program

Program Description: The Building Research Grants and Cooperative Agreements Program will provide grants and cooperative agreements in the following fields of research: Structures, Construction Metrology and Automation, Inorganic Materials, Polymeric Materials, HVAC & R Equipment Performance, Mechanical Systems and Controls, Heat Transfer and Alternative Energy Systems, Computer Integrated Building Processes, and Indoor Air Quality and Ventilation.

The Building Research Grants and Cooperative Agreements Program supports the formal mission of the Building and Fire Research Laboratory, which is to meet the measurement and standards needs of the Building and Fire communities. All proposals submitted must be in accordance with the program objectives found in the corresponding Federal Funding Opportunity for this announcement.

Dates: Applications will be considered on a continuing basis. Applications received after June 1, 2008 may be processed and considered for funding under this solicitation in the current fiscal year or in the next fiscal year, subject to the availability of funds. Applications, paper and electronic, must be received prior to the publication date in the **Federal Register** of the FY 2009 solicitation for the Building Research Grants and Cooperative Agreements Program in order to be processed under this solicitation.

Addresses: Paper applications must be submitted to: Karen Perry, Building and Fire Research Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8602, Gaithersburg, MD 20899–8602. Electronic applications and associated proposal information should be uploaded to *http://www.grants.gov.*

For Further Information Contact: For complete information about this program and instructions for applying by paper or electronically, read the Federal Funding Opportunity (FFO) Notice at *http://www.grants.gov.* A paper copy of the FFO may be obtained by calling (301) 975–6328. Program questions should be addressed to Karen Perry, Building and Fire Research Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8602, Gaithersburg, MD 20899–8602, Tel.: (301) 975–5910, *karen.perry@nist.gov, Fax:* (301) 975–4032, and Web site *http://www.bfrl.nist.gov.* Grants administration questions concerning this program should be addressed to: Melinda Chukran, NIST Grants and Agreements Management Division, (301) 975–5266; *melinda.chukran@nist.gov.* For assistance with using *http://www.grants.gov,* contact *support@grants.gov.*

Funding Availability

In fiscal year 2007, the *Building Research Grants and Cooperative Agreements Program* funded 7 new awards, totaling $378,908.00. No funds have been set aside specifically for the Building Research Grants and Cooperative Agreements Program. The availability of funds depends upon actual authorization of funds and other costs expected to be incurred by the individual divisions. The amount available each year fluctuates considerably based on programmatic needs. In FY 2008, individual awards are expected to range between $5,000 and $150,000.

For the *Building Research Grants and Cooperative Agreements Program,* proposals will be considered for research projects from one to three years. When a proposal for a multi-year award is approved, funding will generally be provided for only the first year of the program. If an application is selected for funding, NIST has no obligation to provide any additional funding in connection with that award. Continuation of an award to increase funding or extend the period of performance is at the total discretion of NIST. Funding for each subsequent year of a multi-year proposal will be contingent upon satisfactory progress, continued relevance to the mission of the *Building Research Grants and Cooperative Agreements Program,* and the availability of funds. The multi-year awards must have scopes of work that can be easily separated into annual increments of meaningful work that represent solid accomplishments if prospective funding is not made available to the applicant, (*i.e.*, the scopes of work for each funding period must produce identifiable and meaningful results in and of themselves).

Statutory Authority: As authorized by 15 U.S.C. 272(b) and (c), the NIST Building and Fire Research Laboratory conducts a basic and applied research program directly and through grants and cooperative agreements to eligible recipients.

Eligibility: The *Building Research Grants and Cooperative Agreements Program* is open to institutions of higher education; hospitals; non-profit organizations; commercial organizations; state, local, and Indian tribal governments; foreign governments; organizations under the jurisdiction of foreign governments; and international organizations.

Review and Selection Process: All applications received in response to this announcement will be reviewed to determine whether or not they are complete and responsive. Incomplete or non-responsive applications will not be reviewed for technical merit. The Program will retain one copy of each non-responsive application for three years for recordkeeping purposes. The remaining copies will be destroyed.

Responsive proposals will be forwarded to the appropriate Division Chief, who will assign them to appropriate reviewers. At least three

independent, objective individuals knowledgeable about the particular scientific addressed by the proposal will conduct a technical review based on the evaluation criteria. When non-Federal reviewers are used, reviewers may discuss the proposals with each other, but scores will be determined on an individual basis, not as a consensus. Reviews will be conducted no less than once per quarter, and all proposals since the last review session will be ranked based on the reviewers' scores.

Next, the Division Chief, Laboratory Deputy Director, or Laboratory Director will make application selections. In making application selections, the Division Chief, Laboratory Deputy Director, or Laboratory Director will take into consideration the results of the reviewers' evaluations including score, the availability of funds, and relevance to the objectives or research areas of the *Building Research Grants and Cooperative Agreements Program,* as described in the Program Description section above.

The final approval of selected applications and award of financial assistance will be made by the NIST Grants Officer based on compliance with application requirements as published in this notice, compliance with applicable legal and regulatory requirements, and whether the recommended applicants appear to be responsible. Applicants may be asked to modify objectives, work plans, or budgets and provide supplemental information required by the agency prior to award. The award decision of the Grants Officer is final. Applicants should allow up to 90 days processing time.

Unsuccessful applicants will be notified in writing. The Program will retain one copy of each unsuccessful application for three years for record keeping purposes. The remaining copies will be destroyed.

Evaluation Criteria: The Divisions of the Building and Fire Research Laboratory will score proposals based on the following criteria and weights:

1. Technical quality of the research. Reviewers will assess the rationality, innovation and imagination of the proposal and the fit to NIST's in-house building research programs. (0–35 points)

2. Potential impact of the results. Reviewers will assess the potential impact and the technical application of the results to NIST's in-house programs and the building industry. (0–25 points)

3. Staff and institution capability to do the work. Reviewers will evaluate the quality of the facilities and experience of the staff to assess the likelihood of achieving the objective of the proposal. (0–20 points)

4. Match of budget to proposed work. Reviewers will assess the budget against the proposed work to ascertain the reasonableness of the request. (0–20 points)

Cost Share Requirements: The Building Research Grants and Cooperative Agreements Program does not require any matching funds.

Fire Research Grants Program

Program Description: The Fire Research Grants Program will provide funding for innovative ideas in the fire research area generated by the proposal writer, who chooses the topic and approach. The *Fire Research Grants Program* will provide grants and cooperative agreements in the following fields of research analysis and prediction, fire metrology, fire fighting technology, materials and products, and integrated performance assessment. Specific information regarding program objectives can be found in the corresponding Federal Funding Opportunity for this announcement.

Dates: Applications will be considered on a continuing basis. Applications received after June 1, 2008 may be processed and considered for funding under this solicitation in the current fiscal year or in the next fiscal year, subject to the availability of funds. Applications, paper and electronic, must be received prior to the publication date in the **Federal Register** of the FY 2009 solicitation for the *Fire Research Grants Program* in order to be processed under this solicitation.

Addresses: Paper applications must be submitted to: Ms. Wanda Duffin-Ricks, Building and Fire Research Laboratory (BFRL), National Institute of Standards and Technology, 100 Bureau Drive, Stop 8660, Gaithersburg, Maryland 20899–8660. Electronic applications and associated proposal information should be uploaded to *http://www.grants.gov.*

For Further Information Contact: For complete information about this program and instructions for applying by paper or electronically, read the Federal Funding Opportunity (FFO) Notice at *http://www.grants.gov.* A paper copy of the FFO may be obtained by calling (301) 975–6328. Program questions should be addressed to Ms. Wanda Duffin-Ricks, Building and Fire Research Laboratory (BFRL), National Institute of Standards and Technology, 100 Bureau Drive, Stop 8660, Gaithersburg, Maryland 20899–8660, *Tel:* (301) 975–6863, *E-mail: wanda.duffin@nist.gov, Web site: http://www.bfrl.nist.gov.* Grants administration questions concerning this program should be addressed to: Melinda Chukran, NIST Grants and Agreements Management Division, (301) 975–5266; *melinda.chukran@nist.gov.* For assistance with using *http://www.grants.gov,* contact *support@grants.gov.*

Funding Availability: For the *Fire Research Grants Program,* the annual budget is $1.3 million. Because of commitments for the support of multi-year projects and because proposals may have been deferred from the previous year's competition, only a portion of the budget is available to fund applications received in response to this notice. Most grants and cooperative agreements are in the $25,000 to $125,000 per year range, with a maximum requested duration of three years. In fiscal year 2007, the *Fire Research Grants Program* funded 13 new awards, totaling $1,028,069.

For the *Fire Research Grants Program,* proposals will be considered for research projects from one to three years. When a proposal for a multi-year project is approved, funding will normally be provided for only the first year of the program. If an application is selected for funding, NIST has no obligation to provide any additional future funding in connection with that award. Funding for each subsequent year of a multi-year proposal will be contingent on satisfactory progress, continuing relevance to the mission of the NIST Fire Research Program, and the availability of funds.

Statutory Authority: As authorized by 15 U.S.C. 278f, the NIST Building and Fire Research Laboratory conducts directly and through grants and cooperative agreements, a basic and applied fire research program.

Eligibility: The *Fire Research Grants Program* is open to institutions of higher education; hospitals; non-profit organizations; commercial organizations; state, local, and Indian tribal governments; foreign governments; organizations under the jurisdiction of foreign governments; and international organizations.

Review and Selection Process: Prospective proposers are encouraged to contact the group leaders listed in the FFO announcement to determine the responsiveness of the proposal and compliance with program objectives prior to preparation of a detailed proposal; however, written pre-proposals and white papers are not solicited and will not be reviewed for other than compliance and responsiveness. Responsive proposals will be assigned, as received on a rolling basis, to the most appropriate group.

Proposals are evaluated for technical merit based on the evaluation criteria described above by at least three reviewers chosen from NIST professionals, technical experts from other interested government agencies, and experts from the fire research community at large. When non-Federal reviewers are used, reviewers may discuss the proposals with each other, but scores will be determined on an individual basis, not as a consensus. The group leaders will make funding recommendations to the Division Chief based on the technical evaluation score and the relationship of the work proposed to the objectives of the program. Proposal submitted to another agency will be considered for possible joint-funding if approved by the other agency.

In making application selections, the Division Chief will take into consideration the results of the reviewers' evaluations, including the scores of the reviewers, the group leader's recommendation, the availability of funds, and relevance to the objectives or research areas of the *Fire Research Grants Program,* as described in the Program Description section above. The final approval of selected applications and award of financial assistance will be made by the NIST Grants Officer based on compliance with application requirements as published in this notice, compliance with applicable legal and regulatory requirements, and whether the recommended applicants appear to be responsible. Applicants may be asked to modify objectives, work plans, or budgets and provide supplemental information required by the agency prior to award. The award decision of the Grants Officer is final. Applicants should allow up to 90 days processing time.

Unsuccessful applicants will be notified in writing. The Program will retain one copy of each unsuccessful application for three years for record keeping purposes. The remaining copies will be destroyed.

Evaluation Criteria: For the *Fire Research Grants Program,* the technical evaluation criteria are as follows:

1. Technical quality of the research. Reviewers will assess the rationality, innovation and imagination of the proposal. (0–35 points)

2. Potential impact of the results. Reviewers will assess the potential impact and the technical application of the results to the fire safety community. (0–25 points)

3. Staff and institution capability to do the work. Reviewers will evaluate the quality of the facilities and experience of the staff to assess the likelihood of achieving the objective of the proposal. (0–20 points)

4. Match of budget to proposed work. Reviewers will assess the budget against the proposed work to ascertain the reasonableness of the request. (0–20 points)

Cost Share Requirements: The *Fire Research Grants Program* does not require any matching funds.

Information Technology Laboratory (ITL) Grants Program

Program Description: The Information Technology Laboratory Grants Program will provide grants and cooperative agreements in the broad areas of mathematical and computational sciences, advanced network technologies, information access, and software testing. Specific objectives of interest in these areas of research include: quantum information theory, computational materials science, network science, mathematical foundations of measurement science for information systems, mathematical knowledge management, visual data analysis, verification and validation of computer models, computational biology, semantic data integration, software testing, human-robot interaction, human factors/security/core requirements/testing of voting systems, information visualization, systems biology, grid computing, service oriented architecture and complex systems, security for the IPv6 transition from and coexistence with IPv4, and device mobility among heterogeneous networks. For details on these various activities, please see the Information Technology Laboratory Web site at *http://www.itl.nist.gov.* Additionally, the ITL Grant Program will provide grants and cooperative agreements in support of conferences, workshops, and other technical research groups that focus on trends and future focus areas of information technology. Specific information regarding program objectives can be found in the corresponding Federal Funding Opportunity for this announcement.

Dates: Applications will be considered on a continuing basis. Applications received after June 1, 2008 may be processed and considered for funding under this solicitation in the current fiscal year or in the next fiscal year, subject to the availability of funds. Applications, paper and electronic, must be received prior to the publication date in the **Federal Register** of the FY 2009 solicitation for the *ITL Grants Program* in order to be processed under this solicitation.

Addresses: Paper applications must be submitted to: Kamie Roberts, Information Technology Laboratory (ITL), National Institute of Standards and Technology, 100 Bureau Drive, Stop 8900, Gaithersburg, Maryland 20899–8900. Electronic applications and associated proposal information should be uploaded to *http://www.grants.gov.*

For Further Information Contact: For complete information about this program and instructions for applying by paper or electronically, read the Federal Funding Opportunity (FFO) Notice at *http://www.grants.gov.* A paper copy of the FFO may be obtained by calling (301) 975–6328. Program questions should be addressed to Kamie Roberts, Information Technology Laboratory (ITL), National Institute of Standards and Technology, 100 Bureau Drive, Stop 8900, Gaithersburg, MD 20899–8900, *Tel.:* (301) 975–2901, *kamie.roberts@nist.gov, Fax:* (301) 975–2378, *Web site: http://www.itl.nist.gov.* It is strongly suggested to first confirm the program objectives with the Program Manager prior to preparing a detailed proposal. Grants administration questions concerning this program should be addressed to: Melinda Chukran, NIST Grants and Agreements Management Division, (301) 975–5266; *melinda.chukran@nist.gov.* For assistance with using *http://www.grants.gov,* contact *support@grants.gov.*

Funding Availability: In fiscal year 2007, the *Information Technology Laboratory* funded 7 new awards, totaling $169,071.00. No funds have been set aside specifically for the *Information Technology Laboratory Grants Program.* The availability of funds depends upon actual authorization of funds and other costs expected to be incurred by the individual divisions. The amount available each year fluctuates considerably based on programmatic needs. In FY 2008, individual awards are expected to range between $10,000 and $150,000.

For the *Information Technology Laboratory Grants Program,* proposals will be considered for research projects from one to five years. When a proposal for a multi-year award is approved, funding will generally be provided for only the first year of the program. If an application is selected for funding, NIST has no obligation to provide any additional funding in connection with that award. Continuation of an award to increase funding or extend the period of performance is at the total discretion of NIST. Funding for each subsequent year of a multi-year proposal will be contingent upon satisfactory progress,

continued relevance to the mission of the *Information Technology Laboratory Grants Program,* and the availability of funds. The multi-year awards must have scopes of work that can be easily separated into annual increments of meaningful work that represent solid accomplishments if prospective funding is not made available to the applicant, (i.e., the scopes of work for each funding period must produce identifiable and meaningful results in and of themselves).

Statutory Authority: As authorized under 15 U.S.C. 272(b) and (c), the ITL conducts a basic and applied research program directly and through grants and cooperative agreements to eligible recipients.

Eligibility: The *ITL Grants Program* is open to institutions of higher education; hospitals; non-profit organizations; commercial organizations; state, local, and Indian tribal governments; foreign governments; organizations under the jurisdiction of foreign governments; and international organizations.

Review and Selection Process: For the *Information Technology Laboratory (ITL) Grants Program,* proposals will be reviewed in a three-step process. First, the Deputy Director of ITL, or appropriate designee, will determine the compatibility of the applicant's proposal with ITL Program Areas and the relevance to the objectives of the *ITL Grants Program,* described in the Program Description section above. If it is determined that the proposal is incomplete or non-responsive to the scope of the stated objectives, the proposal will not be reviewed for technical merit. If a proposal is determined to be incomplete or non-responsive, or if it is determined that all available funds have been exhausted, the proposal will not be reviewed for technical merit. Proposers may contact ITL at 301–975–2901 to find out if funds have been exhausted for the fiscal year. ITL will also post a notice on its Web site, *http://www.itl.nist.gov,* when funds are exhausted for the fiscal year. ITL will notify proposers in writing if their proposals are not reviewed for technical merit.

Second, at least three independent, objective individuals knowledgeable about the particular measurement science area described in the section above that the proposal addresses will conduct a technical review of each proposal, based on the evaluation criteria. Reviews will be conducted on a quarterly basis, and all responsive, complete proposals received and reviewed since the last quarter will be ranked based on the reviewers' scores. If non-Federal reviewers are used, the reviewers may discuss the proposals with each other, but scores will be determined on an individual basis, not as a consensus.

Third, the Division Chief, in accord with the Director of ITL, will make application selections, taking into consideration the results of the reviewers' evaluations, the availability of funds, and the relevance to the objectives or research areas described in the Program Description section above.

The final approval of selected applications and award of financial assistance will be made by the NIST Grants Officer based on compliance with application requirements as published in this notice, compliance with applicable legal and regulatory requirements, and whether the recommended applicants appear to be responsible. Applicants may be asked to modify objectives, work plans, or budgets and provide supplemental information required by the agency prior to award. The decisions of the Grants Officer are final.

Unsuccessful applicants will be notified in writing. The Program will retain one copy of each unsuccessful application for three years for record keeping purposes. The remaining copies will be destroyed.

For the *ITL Grants Program,* the evaluation criteria the technical reviewers will use in evaluating the proposals are as follows:

1. Rationality. Reviewers will consider the coherence of the applicant's approach and the extent to which the proposal effectively addresses scientific and technical issues.

2. Technical Merit of Contribution. Reviewers will consider the potential technical effectiveness of the proposal and the value it would contribute to the field of information technology research.

3. Qualifications of Technical Personnel. Reviewers will consider the professional accomplishments, skills, and training of the proposed personnel to perform the work in the project.

4. Resources Availability. Reviewers will consider the extent to which the proposer has access to the necessary facilities and overall support to accomplish project objectives.

Each of these factors will be given equal weight in the evaluation process.

Cost Share Requirements: The *ITL Grants Program* does not require any matching funds.

NIST Center for Neutron Research (NCNR) Grants Program

Program Description: The *NIST Center for Neutron Research (NCNR) Grants Program* will provide grants and cooperative agreements for research involving neutron scattering, for the development of innovative technologies that advance the state-of-the-art in neutron research, and for the support of conferences and/or workshops that advance these objectives. Specific information regarding program objectives can be found in the corresponding Federal Funding Opportunity to this announcement.

All proposals submitted to the NCNR Grants Program must be in accordance with the program objectives. These are to create novel approaches to advance high resolution cold and thermal neutron scattering research; to develop new applications of neutron scattering to physics, chemistry, and macromolecular and materials research; and to support the development of innovative technologies relevant to neutron research, including, for example, high resolution two-dimensional neutron detectors, neutron monochromators, and neutron focusing and polarizing devices. Awards to universities to help to promote research by university students at the NIST/NSF Center for High Resolution Scattering are also funded under this program. Dr. Dan Neumann should be contacted for any inquiries about the objectives for this NCNR program. He can be reached at (301) 975–5252 or by e-mail at *dan.neumann@nist.gov.*

Dates: All applications, paper and electronic, must be received no later than 5 p.m. Daylight Savings Time on June 29, 2008.

Addresses: Paper applications must be submitted to: Mr. Michael Moore, NIST Center for Neutron Research, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8562, Gaithersburg, Maryland 20899–8562. Electronic applications and associated proposal information should be uploaded to *http://www.grants.gov.*

For Further Information Contact: For complete information about this program and instructions for applying by paper or electronically, read the Federal Funding Opportunity (FFO) Notice at *http://www.grants.gov.* A paper copy of the FFO may be obtained by calling (301) 975–6328. Program questions should be addressed to Dr. Dan Neumann, NIST Center for Neutron Research, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8500, Gaithersburg, Maryland 20899–8562, *Tel:* (301) 975–5252, *E-mail: dan@nist.gov.* Grants administration questions concerning this program should be addressed to: Melinda Chukran, NIST Grants and Agreements Management Division, (301)

975–5266; *melinda.chukran@nist.gov.* For assistance with using *http://www.grants.gov,* contact *support@grants.gov.*

Funding Availability: The *NCNR Grants Program* will consider proposals lasting from one to five years. When a proposal for a multi-year award is approved, funding will generally be provided for only the first year of the program. If an application is selected for funding, NIST has no obligation to provide any additional funding in connection with that award. Continuation of an award to increase funding or extend the period of performance is at the total discretion of NIST. Funding for each subsequent year of a multi-year proposal will be contingent upon satisfactory progress, continued relevance to the mission of the NCNR program, and the availability of funds. The multi-year awards must have scopes of work that can be easily separated into annual increments of meaningful work that represent solid accomplishments if prospective funding is not made available to the applicant, i.e., the scopes of work for each funding period must produce identifiable and meaningful results in and of themselves. In fiscal year 2007, NCNR made three awards totaling $176,645. Most grants and cooperative agreements are expected to be in the $25,000 to $100,000 per year range.

Statutory Authority: As authorized under 15 U.S.C. 272 (b) and (c), the NCNR conducts a basic and applied research program directly and through grants and cooperative agreements to eligible recipients.

Eligibility: The *NCNR Grants Program* is open to institutions of higher education; hospitals; non-profit organizations; commercial organizations; state, local, and Indian tribal governments; foreign governments; organizations under the jurisdiction of foreign governments; and international organizations.

Review and Selection Process: Proposals submitted to the *NCNR Grants Program* will be reviewed in a two-step process. First, at least three independent, objective individuals knowledgeable about the particular scientific area described in the Program Description section above that the proposal addresses will conduct a technical review of proposals, as they are received on a rolling basis, based on the evaluation criteria. If non-Federal reviewers are used, the reviewers may discuss the proposals with each other, but scores will be determined on an individual basis, not as a consensus. Second, the Center Director will make application selections. In making application selections, the Center Director will take into consideration the results of the reviewers' evaluations, the availability of funds, and the relevance to the objectives or research areas of the *NCNR Grants Program,* described in the Program Description section.

The final approval of selected applications and award of financial assistance will be made by the NIST Grants Officer based on compliance with application requirements as published in this notice, compliance with applicable legal and regulatory requirements, whether the recommended applicants appear to be responsible. Applicants may be asked to modify objectives, work plans, or budgets and provide supplemental information required by the agency prior to award. The decision of the Grants Officer is final.

Unsuccessful applicants will be notified in writing. The Program will retain one copy of each unsuccessful application for three years for record keeping purposes. The remaining copies will be destroyed.

Evaluation Criteria: The *NCNR Grants Program* evaluation criteria that the technical reviewers will use in evaluating the proposals are as follows:

1. Rationality. Reviewers will assess the innovation, rationality, and coherence of the applicant's approach and the extent to which the proposal effectively addresses important scientific and technical issues using neutron methods and/or the development of innovative devices for neutron research. (0 to 35 points)

2. Qualifications of Technical Personnel. Reviewers will consider the professional accomplishments, skills, and training of the proposed personnel to perform the work in the project. (0 to 20 points)

3. Resources. Reviewers will consider the extent to which the proposer has access to the necessary resources, facilities, and overall support to accomplish project objectives, and will assess the budget against the proposed work to ascertain the reasonableness of the request. (0 to 20 points)

4. Technical Merit of Contribution. Reviewers will consider the potential technical effectiveness of the proposal and the value it would contribute to neutron research. (0 to 25 points)

Cost Share Requirements: The *NCNR Grants Program* does not require any matching funds.

Center for Nanoscale Science and Technology (CNST) Grants and Cooperative Agreements Program

Program Description: The Center for Nanoscale Science and Technology (CNST) Grants and Cooperative Agreements Program will offer financial assistance in the field of nanotechnology specifically aimed at developing essential measurement methods, instrumentation, and standards to support nanotechnology development, from discovery to production, conducting collaborative research with NIST scientists including research at the CNST Nanofab, a national facility for nanofabrication and measurement, and assisting visiting researchers at the CNST.

The primary program objectives of the financial assistance program in CNST are to develop new measurement methods, instrumentation and standards for nanotechnology and explore new areas of nanoscale science and technology in a variety of areas including nanofabrication, nanomagnetics, theory and modeling, post complementary metal oxide semiconductor electronics, nano electro mechanical systems, nanomotion and nanomanipulation, merging length scales, 2–D and 3–D structural and chemical imaging, electrical and magnetic dynamical response of nanostructures, electrical characterization of nanostructures, nanoscale properties of soft matter; to assist and train CNST collaborators and nanofabrication facility users in their research; and to conduct other outreach and educational activities that advance the development of nanotechnology by U.S. university and industrial scientists. This will entail collaborative research among the selected financial assistance recipients and CNST.

Dates: Applications will be considered on a continuing basis. Applications received after June 1, 2008 may be processed and considered for funding under this solicitation in the current fiscal year or in the next fiscal year, subject to the availability of funds. Applications, paper and electronic, must be received prior to the publication date in the **Federal Register** of the FY 2009 solicitation for the *CNST Grants Program* in order to be processed under this solicitation.

Addresses: Paper applications must be submitted to: Donna Lauren, Center for Nanoscale Science and Technology, National Institute of Standards and Technology, 100 Bureau Drive, Stop 6200, Gaithersburg, Maryland 20899–6200. Electronic applications and associated proposal information should be uploaded to *grants.gov.*

For Further Information Contact: For complete information about this program and instructions for applying by paper or electronically, read the Federal Funding Opportunity (FFO)

Notice at *http://www.grants.gov.* A paper copy of the FFO may be obtained by calling (301) 975–6328. Program questions should be addressed to Donna Lauren, Center for Nanoscale Science and Technology, National Institute of Standards and Technology, 100 Bureau Drive, Stop 6200, Gaithersburg, Maryland 20899–6200. Tel (301) 975–3729, *E-Mail: donna.lauren@nist.gov.* Grants administration questions concerning this program should be addressed to: Melinda Chukran, NIST Grants and Agreements Management Division, (301) 975–5266; *melinda.chukran@nist.gov.* For assistance with using *Grants.gov* contact *support@grants.gov.*

Funding Availability: For the *Center for Nanoscale and Science and Technology,* proposals will be considered for research projects from one to five years. When a proposal for a multi-year award is approved, funding will generally be provided for only the first year of the program. If an application is selected for funding, NIST has no obligation to provide any additional funding in connection with that award. Continuation of an award to increase funding or extend the period of performance is at the total discretion of NIST. Funding for each subsequent year of a multi-year proposal will be contingent upon satisfactory progress, continued relevance to the mission of the *Center for Nanoscale Science and Technology Grants and Cooperative Agreements Program,* and the availability of funds.

In fiscal year 2007, the *CNST Grants and Cooperative Agreements Program* made one award in the amount of $47,000. In fiscal year 2008, the *CNST Grants and Cooperative Agreements Program* anticipates funding of approximately $1,500,000, including new awards and continuing projects. Individual awards are expected to range from approximately $40,000 to $150,000 per year.

Statutory Authority: As authorized under 15 U.S.C. 272 (b) and (c), the NCNR conducts a basic and applied research program directly and through grants and cooperative agreements to eligible recipients.

Eligibility: The *Center for Nanoscale Science and Technology* is open to institutions of higher education; hospitals; non-profit organizations; commercial organizations; state, local, and Indian tribal governments; foreign governments; organizations under the jurisdiction of foreign governments; and international organizations.

Review and Selection Process: For the *Center for Nanoscale Science and Technology (CNST) Grants and Cooperative Agreements Program,* responsive proposals will be assigned, as received on a rolling basis, to the most appropriate area for review. Proposals will be reviewed in a three-step process. First, the CNST Deputy Director will determine the applicability of the proposal with regard to CNST programs and the relevance of the proposal's objectives to current CNST research. If it is determined that the proposal is incomplete or non-responsive to the scope of the stated objectives, the proposal will not be reviewed for technical merit. Second, the appropriate CNST Program Manager will determine the possibility for funding availability within the CNST technical program area most relevant to the objectives of the proposal. If it is determined that sufficient funding is not available to consider grants and cooperative agreement proposals in the technical area of the proposal, the proposal will not be reviewed for technical merit. Third, if the proposal passes the first two steps, at least three independent, objective individuals knowledgeable about the particular scientific area addressed by the proposal will conduct a technical review based on the evaluation criteria. If non-Federal reviewers are used, the reviewers may discuss the proposal with each other, but scores will be determined on an individual basis, not as a consensus.

The CNST Director will make application selections from the grants and cooperative agreement proposals submitted. In making the application selections, the Laboratory Director will take into consideration the results of the reviewers' evaluations, the availability of funds, and relevance to the objectives or research areas of the *CNST Grants and Cooperative Agreements Program.* These objectives are described above in the Program Description section.

The final approval of selected applications and award of financial assistance will be made by the NIST Grants Officer based on compliance with application requirements as published in this notice, compliance with applicable legal and regulatory requirements, and whether the recommended applicants appear to be responsible. Applicants may be asked to modify objectives, work plans, or budgets and provide supplemental information required by the agency prior to award. The decision of the Grants Officer is final.

Unsuccessful applicants will be notified in writing. The Program will retain one copy of each unsuccessful application for three years for record keeping purposes. The remaining copies will be destroyed.

Evaluation Criteria: For the *Center for Nanoscale Science and Technology (CNST) Grants and Cooperative Agreements Program,* the technical reviewers will use the following evaluation criteria in evaluating the proposals:

1. Rationality. Reviewers will consider the coherence of the applicant's approach and the extent to which the proposal effectively addresses scientific and technical issues.
2. Qualifications of Technical Personnel. Reviewers will consider the professional accomplishments, skills, and training of the proposed personnel to perform the work in this project.
3. Resources Availability. Reviewers will consider the extent to which the proposer has access to the necessary facilities and overall support to accomplish project objectives.
4. Technical Merit of Contribution. Reviewers will consider the potential technical effectiveness of the proposal and the value it would contribute to the field of physics.

Each of these factors will be given equal weight in the evaluation process.

Cost Share Requirements: The *Center for Nanoscale Science and Technology (CNST) Grants and Cooperative Agreements Program* does not require any matching funds.

NIST Center for Neutron Research (NCNR) Sample Environment Equipment Financial Assistance Program

Program Description: The purpose of this notice is to inform potential applicants that the *NCNR Sample Environment Equipment Financial Assistance Program* is establishing a financial assistance program in the field of Neutron Scattering to develop, design, and construct new ''sample environment equipment'' that shall be made available for dedicated use by the general scientific user community on any or all of the NCNR neutron beam stations.

The primary objectives of this financial assistance program are to develop, design, and construct new, state-of-the-art equipment for dedicated use by the general scientific community on NCNR neutron beam stations that provide specific and well-controlled environments of scientific interest for in-situ studies of the microscopic properties of a broad range of sample materials such as molecular solids, thin films, biomolecules and biological membranes, solid state materials, polymers, and complex fluids, using neutron scattering and imaging techniques. Examples of sample

environments include high (and/or pulsed) magnetic fields, high pressures, high (and/or pulsed) electric fields, variable humidity, high or low temperatures, variable shear, and various combinations thereof. A list of all the sample environment equipment at the NCNR that is currently available to the general user community is located at *http://www.ncnr.nist.gov/equipment/ancequip.html.*

Dates: All applications, paper and electronic, must be received no later than 5 p.m. Eastern Daylight Savings Time on May 30, 2008. Late applications will not be reviewed nor considered.

Addresses: Paper Applications: Each applicant must submit one signed original and two paper copies of the complete application as described below to Tanya Burke, National Institute of Standards and Technology, Center for Neutron Research, 100 Bureau Drive, STOP 6100, Gaithersburg, Maryland 20899–6100, phone (301) 975–4711. Electronic applications and associated proposal information should be uploaded to *http://www.grants.gov.* Facsimile, electronic mail, and other forms of electronic application submissions, other than electronic applications submitted through *http://www.grants.gov,* will not be accepted.

For Further Information Contact: For complete information about this program and instructions for applying by paper or electronically, read the Federal Funding Opportunity (FFO) Notice at *http://www.grants.gov.* A paper copy of the FFO may be obtained by calling (301) 975–6328. Technical questions can be directed to Dr. Dan Neumann at, NCNR, 100 Bureau Drive, MS 6100, Gaithersburg, MD 20899–6100, (301) 975–5252, *Dan.Neumann@nist.gov.* Grants administration questions concerning this program should be addressed to: Judy Murphy, NIST Grants and Agreements Management Division, (301) 975–5603; *judy.murphy@nist.gov.* For assistance with using *http://www.grants.gov,* contact *support@grants.gov.*

Funding Availability: Proposals will be considered for cooperative agreements with durations of up to three years, subject to the availability of funds, satisfactory progress, and the continuing relevance to the objectives of the NIST Center for Neutron Research. The anticipated level of funding is up to $150,000 per year. One to two awards are likely. The funding instrument used in this program will be a cooperative agreement. The nature of NIST's ''substantial involvement'' will generally be collaboration with the recipient(s) by working jointly with recipient scientists in carrying out the scope of work, or specifying direction or redirection of the scope of work due to inter-relationships with other programs requiring such cooperation. NIST will determine whether to fund one award for the full amount; to divide available funds into multiple awards of any size, and negotiate scopes of work and budgets as appropriate; or not to select any proposal for funding, upon completing the selection process described below.

Awards are anticipated to contain a start date of September 1, 2008.

Statutory Authority: As authorized under 15 U.S.C. 272 (b)(7) and (c)(8,10,16,17,19), the NCNR conducts a basic and applied research program directly and through grants and cooperative agreements to eligible recipients.

Eligibility: The *NCNR Grants Program* is open to institutions of higher education; hospitals; non-profit organizations; commercial organizations; state, local, and Indian tribal governments; foreign governments; organizations under the jurisdiction of foreign governments; and international organizations.

Review and Selection Process: All applications received in response to this announcement will be reviewed to determine whether or not they are complete and responsive to the scope of the stated program objectives. Incomplete or non-responsive applications will not be reviewed for technical merit. The Program will retain one copy of each non-responsive application for three years for record keeping purposes and destroy all other copies.

Responsive proposals will be evaluated using the evaluation criteria by an independent, objective panel composed of at least four individuals who are knowledgeable about neutron research, neutron spectroscopy, and neutron instrumentation. The reviewers will reach a consensus score resulting in a rank order of applicants. However, if non-Federal reviewers are used, each reviewer will evaluate and provide a score for each proposal without reaching a consensus.

The NCNR Director, serving as the Selecting Official, will make the award selection. In making the award selection, the NCNR Director will take into consideration the panels' technical evaluation. The NCNR Director, as the Selecting Official, may choose a proposal out of rank order based upon one or more of the following factors: (1) Availability of funds, (2) Redundancy, (3) Balance/distribution of funds by program objectives or research areas described in the Funding Opportunity Description section of this Notice, and (4) relevance to Program objectives described above in the Funding Opportunity Description section of this Notice, and (5) Logistical concerns that would be detrimental to the success or timely completion of the proposal objectives. Therefore, the highest scoring proposals may not necessarily be selected for an award. If an award is made to an applicant that deviates from the scores of the reviewers, the NCNR Director shall justify the selection in writing based on selection factors described above. The NCNR Director may select all, none, or some of the applications for funding.

The final approval of selected applications and award of financial assistance will be made by the NIST Grants Officer based on compliance with application requirements as published in this notice, compliance with applicable legal and regulatory requirements, and whether the recommended applicants appear to be responsible. Applicants may be asked to modify objectives, work plans, or budgets and provide supplemental information required by the agency prior to award. The award decision of the Grants Officer is final. Applicants should allow up to 90 days processing time.

Unsuccessful applicants will be notified in writing. The Program will retain one copy of each unsuccessful application for three years for record keeping purposes. The remaining copies will be destroyed.

Evaluation Criteria: For the *NCNR Sample Environment Equipment Financial Assistance Program*, the technical reviewers will use the following criteria to evaluate the proposals:

1. Qualifications and experience of the Principal Investigator in neutron scattering research, as demonstrated by extensive publications and invited lectures in condensed matter physics, chemistry, material science, polymer science, biology, macromolecular science, and/or related fields. (10%)

2. Qualifications and experience of the proposed university staff in neutron scattering research or in related scientific or engineering areas that are key to the activities contained in the proposal, as demonstrated by resumes of staff proposed for this program. (5%)

3. Feasibility and rationality of the design and construction plan of the proposed sample environment equipment and its potential impact on neutron-based research, particularly in the areas of biology, macromolecular

science, polymer science, condensed matter physics, and chemistry. (30%)

4. Quality of the plan in terms of providing assistance to U.S. researchers using the NCNR neutron facilities through sustained and dedicated access to unique and novel sample environment equipment. (20%)

5. Quality of the plan to integrate the sample environment equipment for dedicated use on one or more of the NCNR research facility neutron beam stations. (25%)

6. Cost effectiveness of the plan, including the completeness of the estimate to achieve the objectives stated in the proposal. (10%)

Cost Share Requirements: The *NCNR Sample Environment Equipment Financial Assistance Program* does not require any matching funds.

The following information applies to all programs announced in this notice:

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements: The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements are contained in, 69 FR 78389 (Dec. 30, 2004), applies to this notice. On the form SF–424, the applicant's 9-digit Dun and Bradstreet Data Universal Numbering System (DUNS) number must be entered in the Applicant Identifier block (68 FR 38402).

Collaborations with NIST Employees: All applications should include a description of any work proposed to be performed by an entity other than the applicant, and the cost of such work should ordinarily be included in the budget.

If an applicant proposes collaboration with NIST, the statement of work should include a statement of this intention, a description of the collaboration, and prominently identify the NIST employee(s) involved, if known. Any collaboration by a NIST employee must be approved by appropriate NIST management and is at the sole discretion of NIST. Prior to beginning the merit review process, NIST will verify the approval of the proposed collaboration. Any unapproved collaboration will be stricken from the proposal prior to the merit review.

Use of NIST Intellectual Property: If the applicant anticipates using any NIST-owned intellectual property to carry out the work proposed, the applicant should identify such intellectual property. This information will be used to ensure that no NIST employee involved in the development of the intellectual property will participate in the review process for that competition. In addition, if the applicant intends to use NIST-owned intellectual property, the applicant must comply with all statutes and regulations governing the licensing of Federal government patents and inventions, described at 35 U.S.C. 200–212, 37 CFR part 401, 15 CFR 14.36, and in section 20 of the Department of Commerce Pre-Award Notification Requirements 69 FR 78389 (Dec. 30, 2004). Questions about these requirements may be directed to the Counsel for NIST, 301–975–2803.

Any use of NIST-owned intellectual property by a proposer is at the sole discretion of NIST and will be negotiated on a case-by-case basis if a project is deemed meritorious. The applicant should indicate within the statement of work whether it already has a license to use such intellectual property or whether it intends to seek one.

If any inventions made in whole or in part by a NIST employee arise in the course of an award made pursuant to this notice, the United States government may retain its ownership rights in any such invention. Licensing or other disposition of NIST's rights in such inventions will be determined solely by NIST, and include the possibility of NIST putting the intellectual property into the public domain.

Collaborations Making Use of Federal Facilities: All applications should include a description of any work proposed to be performed using Federal Facilities. If an applicant proposes use of NIST facilities, the statement of work should include a statement of this intention and a description of the facilities. Any use of NIST facilities must be approved by appropriate NIST management and is at the sole discretion of NIST. Prior to beginning the merit review process, NIST will verify the availability of the facilities and approval of the proposed usage. Any unapproved facility use will be stricken from the proposal prior to the merit review. Examples of some facilities that may be available for collaborations are listed on the NIST Technology Services Web site, *http://ts.nist.gov/*.

Paperwork Reduction Act: The standard forms in the application kit involve a collection of information subject to the Paperwork Reduction Act. The use of Standard Forms 424, 424A, 424B, SF–LLL, and CD–346 have been approved by OMB under the respective Control Numbers 0348–0043, 0348–0044, 0348–0040, 0348–0046, and 0605–0001.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Research Projects Involving Human Subjects, Human Tissue, Data or Recordings Involving Human Subjects: Any proposal that includes research involving human subjects, human tissue, data or recordings involving human subjects must meet the requirements of the Common Rule for the Protection of Human Subjects, codified for the Department of Commerce at 15 CFR part 27. In addition, any proposal that includes research on these topics must be in compliance with any statutory requirements imposed upon the Department of Health and Human Services (DHHS) and other federal agencies regarding these topics, all regulatory policies and guidance adopted by DHHS, FDA, and other Federal agencies on these topics, and all Presidential statements of policy on these topics.

NIST will accept the submission of human subjects protocols that have been approved by Institutional Review Boards (IRBs) possessing a current registration filed with DHHS and to be performed by institutions possessing a current, valid Federal-wide Assurance (FWA) from DHHS. NIST will not issue a single project assurance (SPA) for any IRB reviewing any human subjects protocol proposed to NIST.

On August 9, 2001, the President announced his decision to allow Federal funds to be used for research on existing human embryonic stem cell lines as long as prior to his announcement (1) the derivation process (which commences with the removal of the inner cell mass from the blastocyst) had already been initiated and (2) the embryo from which the stem cell line was derived no longer had the possibility of development as a human being. NIST will follow guidance issued by the National Institutes of Health at *http://ohrp.osophs.dhhs.gov/humansubjects/guidance/stemcell.pdf* for funding such research.

Research Projects Involving Vertebrate Animals: Any proposal that includes research involving vertebrate animals must be in compliance with the National Research Council's ''Guide for the Care and Use of Laboratory Animals'' which can be obtained from National Academy Press, 2101 Constitution Avenue, NW., Washington,

DC 20055. In addition, such proposals must meet the requirements of the Animal Welfare Act (7 U.S.C. 2131 *et seq.*), 9 CFR parts 1, 2, and 3, and if appropriate, 21 CFR part 58. These regulations do not apply to proposed research using pre-existing images of animals or to research plans that do not include live animals that are being cared for, euthanized, or used by the project participants to accomplish research goals, teaching, or testing. These regulations also do not apply to obtaining animal materials from commercial processors of animal products or to animal cell lines or tissues from tissue banks.

Limitation of Liability: Funding for the programs listed in this notice is contingent upon the availability of Fiscal Year 2008 appropriations under The Consolidated Appropriations Act, 2008 (Pub. L. 110–161). In no event will the Department of Commerce be responsible for proposal preparation costs if these programs fail to receive funding or are cancelled because of other agency priorities. Publication of this announcement does not oblige the agency to award any specific project or to obligate any available funds. Funding of any award under any program announced in this notice is subject to the availability of funds.

Executive Order 12866: This funding notice was determined to be not significant for purposes of Executive Order 12866.

Executive Order 13132 (Federalism): It has been determined that this notice does not contain policies with federalism implications as that term is defined in Executive Order 13132.

Executive Order 12372: Applications under this program are not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

Administrative Procedure Act/ Regulatory Flexibility Act: Notice and comment are not required under the Administrative Procedure Act (5 U.S.C. 553) or any other law, for rules relating to public property, loans, grants, benefits or contracts (5 U.S.C. 553 (a)). Because notice and comment are not required under 5 U.S.C. 553, or any other law, for rules relating to public property, loans, grants, benefits or contracts (5 U.S.C. 553(a)), a Regulatory Flexibility Analysis is not required and has not been prepared for this notice, 5 U.S.C. 601 *et seq.*

Dated: January 22, 2008.

Richard F. Kayser,

Acting Deputy Director, NIST.

[FR Doc. E8–1334 Filed 1–24–08; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket Number: 080107023–8025–01]

Summer Undergraduate Research Fellowships (SURF) Gaithersburg and Boulder Programs; Availability of Funds

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice.

SUMMARY: The National Institute of Standards and Technology (NIST) announces that the following programs are soliciting applications for financial assistance for FY 2008: (1) The Gaithersburg Summer Undergraduate Research Fellowship Program, and (2) the Boulder Summer Undergraduate Research Fellowship Program. Each program will only consider applications that are within the scientific scope of the program as described in this notice and in the detailed program descriptions found in the Federal Funding Opportunity (FFO) announcement for these programs.

DATES: See below.

ADDRESSES: See below.

SUPPLEMENTARY INFORMATION:

Catalog of Federal Domestic Assistance Name and Number:

Measurement and Engineering Research and Standards–11.609.

Summer Undergraduate Research Fellowships (SURF) Gaithersburg and Boulder Programs

Program Description: The *SURF Gaithersburg Program* is soliciting applications in the areas of Electronics and Electrical Engineering, Manufacturing Engineering, Nanoscale Science and Technology, Chemical Science and Technology, Physics, Materials Science and Engineering/ Neutron Research, Building and Fire Research, and Information Technology as described in the Federal Funding Opportunity.

The *SURF Boulder Program* is soliciting applications in the areas of Electronics and Electrical Engineering, Chemical Science and Technology, Physics, Materials Science and Engineering, and Information Technology as described in the Federal Funding Opportunity.

Applications for the Gaithersburg and Boulder programs are separate. Application to one program does not constitute application to the other, and applications will not be exchanged between the Gaithersburg and Boulder programs. If applicants wish to be considered at both sites, two separate applications must be submitted.

Both SURF programs will provide an opportunity for the NIST laboratories and the National Science Foundation (NSF) to join in a partnership to encourage outstanding undergraduate students to pursue careers in science and engineering. The programs will provide research opportunities for students to work with internationally known NIST scientists, to expose them to cutting-edge research and promote the pursuit of graduate degrees in science and engineering.

The NIST *SURF Gaithersburg and Boulder Program* Directors will work with appropriate department chairs, outreach coordinators, and directors of multi-disciplinary academic organizations to identify outstanding undergraduates (including graduating seniors) who would benefit from off-campus summer research in a world-class scientific environment.

The objective of the SURF programs is to build a mutually beneficial relationship between the student, the institution, and NIST. NIST is one of the nation's premiere research institutions for the physical and engineering sciences and, as the lead Federal agency for technology transfer, it provides a strong interface between government, industry and academia. NIST embodies a special science culture, developed from a large and well-equipped research staff that enthusiastically blends programs that address the immediate needs of industry with longer-term research that anticipates future needs. This occurs in few other places and enables the Electronics and Electrical Engineering Lab (EEEL), Manufacturing Engineering Lab (MEL), Center for Nanoscale Science and Technology (CNST), Chemical Science and Technology Lab (CSTL), Physics Lab (PL), Materials Science and Engineering Lab (MSEL)/NIST Center for Neutron Research (NCNR), Building and Fire Research Lab (BFRL), and Information Technology Lab (ITL) to offer unique research and training opportunities for undergraduates, providing them a research-rich environment and exposure to state of the art equipment.

EEEL, MEL, CNST, CSTL, PL, MSEL/ NCNR, BFRL, and ITL SURF Gaithersburg Programs

DATES: All *SURF Gaithersburg Program* applications, paper and electronic, must be received no later than 5 p.m. Eastern Standard Time on February 25, 2008.

ADDRESSES: For all *SURF Gaithersburg Programs,* paper applications must be

submitted to: Ms. Anita Sweigert, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8400, Gaithersburg, MD 20899–8400; Tel: (301) 975–4200; E-mail: *anita.sweigert@nist.gov;* Web site: *http://www.surf.nist.gov/surf2.htm.*

FOR FURTHER INFORMATION CONTACT: For complete information about this program and instructions for applying by paper or electronically, read the Federal Funding Opportunity Notice (FFO) at *http://www.grants.gov.* A paper copy of the FFO may be obtained by calling (301) 975–6328. The Gaithersburg and Boulder SURF programs will publish separate FFOs on www.grants.gov. Program questions should be addressed to Ms. Anita Sweigert, Administrative Coordinator, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8400, Gaithersburg, MD 20899–8400, Tel: (301) 975–4200, E-mail: *anita.sweigert@nist.gov.* The *SURF Gaithersburg Program* Web site is: *http://www.surf.nist.gov/surf2.htm.* All grants related administration questions concerning this program should be directed to Melinda Chukran, NIST Grants and Agreements Management Division at (301) 975–5266 or *melinda.chukran@nist.gov* or for assistance with using Grants.gov contact *support@grants.gov.*

Funding Availability

Funds budgeted for payment to students under these programs are stipends, not salary. The stipend is an amount that is expected to be provided to the participating student to help defray the cost of living, for the duration of the program, in the Washington National Capital Region. The *SURF Gaithersburg Program* will not authorize funds for indirect costs or fringe benefits. The table below summarizes the anticipated annual funding levels from the NSF to operate our REU (Research Experience for Undergraduates) programs, subject to program renewals and availability of funds. In some programs, anticipated NIST co-funding will supplement the number of awards supported. Program funding will be available to provide for the costs of stipends ($363.64 per week per student), travel, and lodging (up to $3400 per student).

Program	Anticipated NSF funding ($)	Anticipated NIST funding ($)	Total Program funding ($)	Anticipated number of awards
EEEL	72,960	40,000	112,960	~5
MEL	88,000	0	88,000	~13
CNST	0	40,000	40,000	~5
CSTL	0	105,000	105,000	~16
PL	114,000	65,000	179,000	~26
MSEL/NCNR	130,000	0	130,000	~22
BFRL	81,000	0	81,000	~10
ITL	0	40,000	40,000	~5

The actual number of awards made under this announcement will depend on the proposed budgets and the availability of funding. For all *SURF Gaithersburg Programs* described in this notice, it is expected that individual awards to institutions will range from approximately $3,000 to $70,000. Funding for student housing will be included in cooperative agreements awarded as a result of this notice.

The *SURF Gaithersburg Program* is anticipated to run from May 27, 2008 through August 8, 2008; adjustments may be made to accommodate specific academic schedules (e.g., a limited number of 9-week cooperative agreements).

Funding for the program(s) listed in this notice is contingent upon the availability of Fiscal Year 2008 appropriations under The Consolidated Appropriations Act, 2008 (Pub. L. 110–161). In no event will NIST or the Department of Commerce be responsible for proposal preparation costs if this program(s) fail to receive funding or are cancelled because of other agency priorities. Publication of this announcement does not oblige NIST or the Department of Commerce to award any specific project or to obligate any available funds.

Statutory Authority: The authority for the *SURF Gaithersburg Program* is 15 U.S.C. 278g–l, which authorizes NIST to fund financial assistance awards to students at institutions of higher learning within the United States. These students must show promise as present or future contributors to the missions of NIST.

Eligibility: NIST's *SURF Gaithersburg Program* is open to colleges and universities in the United States and its territories with degree granting programs in materials science, chemistry, nanoscale science, neutron research, engineering, computer science, mathematics, or physics. Participating students must be U.S. citizens or permanent U.S. residents. The *SURF Gaithersburg Program* does not require any matching funds.

Review and Selection Process: All *SURF Gaithersburg Program* proposals are submitted to the Administrative Coordinator. Each proposal is examined for completeness and responsiveness. Incomplete or non-responsive proposals will not be considered for funding, and the applicant will be notified in writing. The Program will retain one copy of each non-responsive application for three years for record keeping purposes. The remaining copies will be destroyed. Proposals should include the following:

(A) Student Information (student's name and university should appear on all of these documents):
  (1) student application information cover sheet;
  (2) academic transcript for each student nominated for participation (it is recommended that students have a G.P.A. of 3.0 or better, out of a possible 4.0);
  (3) a statement of motivation and commitment from each student to participate in the 2008 SURF program, including a description of the student's prioritized research interests;
  (4) a resume for each student;
  (5) two letters of recommendation for each student; and
  (6) confirmation of U.S. citizenship or permanent legal resident status for each student.
(B) Information About the Applicant Institution:
  (1) description of the institution's education and research programs; and
  (2) a summary list of the student(s) being nominated.

Institution proposals will be separated into student/institution packets. Each student/institution packet will be comprised of the required application forms, including a complete copy of the

student information and a complete copy of the institution information. The student/institution packets will be directed to the *SURF Gaithersburg Program* designated by the student as his/her first choice.

The selection process occurs in three rounds. Each *SURF Gaithersburg Program* will have three independent, objective NIST employees, who are knowledgeable in the scientific areas of the program, conduct a technical review of each student/institution packet based on the Evaluation Criteria for the *SURF Gaithersburg Programs* described in this notice. For the first round of evaluations and placement, each technical reviewer will evaluate according to the Evaluation Criteria listed below and provide a score for each student/institution packet. Based on the average of the reviewers' scores, a rank order of the student/institution packets will be prepared within each laboratory.

The SURF Program Director (e.g., the Selecting Official) for each laboratory, who is a NIST program official who did not participate in the technical evaluations, will then apply the following Selection Factors, which may result in revisions to the rank order: relevance of the student's course of study to the program objectives of the NIST laboratory in which that *SURF Gaithersburg Program* resides as described in the Funding Opportunity Description section of this notice, the relevance of the student's statement of commitment to the goals of the *SURF Gaithersburg Program,* fit of the student's interests and abilities to the available projects in that laboratory program, compatibility of the student with the research environment in that laboratory, assessment of whether the SURF program experience will make a difference on the student, and the availability of funding.

Based on these results, the Program Director (e.g., Selecting Official) for each laboratory will divide the rank ordered student/application packets into three categories: Priority Funding; Fund if Possible; and Do Not Fund. Student/institution packets placed in the Priority Funding category will be selected for funding in that *SURF Gaithersburg Program.* Student/institution packets placed in the Do Not Fund category will not be considered for funding by any other NIST laboratories.

Student/institution packets placed in the Fund if Possible Category may be considered for funding at a later time by the category-designating SURF Program; in the interim period these students will be released for consideration for funding by the *SURF Gaithersburg Program* designated by the student as his/her second choice. The student's second choice laboratory's Program Director will take into consideration the recommendations of the reviewers who conducted the technical reviews for the student's first choice *SURF Gaithersburg Program*, apply the selection factors noted above as applied to that laboratory and arrive at a final rank order of the students available for the second round of selections and placements. The *SURF Gaithersburg Program* designated by the student as his/her second choice may choose not to rank and select students in this round. This action designates these students as being available for the third round of selections.

Students not selected for funding by their first or second choice *SURF Gaithersburg Program*, and students who did not designate a second choice, will then be considered for funding from all *SURF Gaithersburg Programs* that still have slots available in a third round, conducted the same as the second round. In making selections for the third round of selections and placement, each *SURF Gaithersburg Program* Director (e.g., Selecting Official) will take into consideration the recommendations of the reviewers who conducted the technical reviews for the student's first choice *SURF Gaithersburg Program*, the selection factors noted above as applied to that laboratory and rank order the students in this selection round. As in the second selection round, each *SURF Gaithersburg Program* may choose not to rank and select a student in this third round. Substitutions for students who decline offers will be made from the available pool of students consistent with the program review process.

The final approval of selected applications and award of cooperative agreements will be made by the NIST Grants Officer based on compliance with application requirements as published in this notice and other applicable legal and regulatory requirements. NIST also reserves the right to reject an application where information is uncovered that adversely affects an applicant's business integrity, resulting in a determination by the Grants Officer that an applicant is not presently responsible. Applicants may be asked to modify objectives, work plans, or budgets and provide supplemental information required by the agency prior to award. The decision of the Grants Officer is final.

The *SURF Gaithersburg Program* will retain one copy of each unsuccessful application for three years for record keeping purposes, and unsuccessful applicants will be notified in writing. The remaining copies will be destroyed.

Evaluation Criteria: For the *SURF Gaithersburg Program*, the evaluation criteria are:

(A) Evaluation of Student's Interest in Participating in the Program, Academic Ability, Laboratory Experience and Advanced Degree Openness: Evaluation of career goals and completed course work, honors and awards, grade point average in courses relevant to the *SURF Gaithersburg Program*, English proficiency and writing proficiency, research skills, innovativeness, social skills, safety consciousness, leadership potential, independence, honesty, and commitment of the student to working in a laboratory environment, and interest in pursuing graduate school.

(B) Institution's Commitment to Program Goals: Evaluation of the institution's academic department(s) relevant to the discipline(s) of the student(s).

Each of these factors is given equal weight in the evaluation process.

SURF NIST Boulder Program

DATES: All *SURF NIST Boulder Program* applications, paper and electronic, must be received no later than 5 p.m. Mountain Standard Time on February 25, 2008.

ADDRESSES: Paper applications for the *SURF NIST Boulder Program* must be submitted to: Ms. Eyvon Petty, Administrative Coordinator, National Institute of Standards and Technology, 325 Broadway, Mail Stop 847.00, Boulder, CO 80305–3328.

FOR FURTHER INFORMATION CONTACT: For complete information about this program and instructions for applying by paper or electronically, read the Federal Funding Opportunity Notice (FFO) at *http://www.grants.gov*. A paper copy of the FFO may be obtained by calling (301) 975–6328. The Gaithersburg and Boulder SURF programs will publish separate FFOs on *www.grants.gov*. Program questions should be addressed to Ms. Eyvon Petty, Administrative Coordinator, National Institute of Standards and Technology, 325 Broadway, Mail Stop 847.00, Boulder, CO 80305–3328, Tel: (303) 497–3295, E-mail: *pettye@boulder.nist.gov*; Web site: *http://surf.boulder.nist.gov/*. All grants related administration questions concerning this program should be directed to Judy Murphy, Grants and Agreements Management Division at (301) 975–5603 or *judy.murphy@nist.gov*.

Additional Information:

Funding Availability:

Funds budgeted for payment to students under this program are stipends, not salaries. The *SURF NIST Boulder Program* will not authorize funds for indirect costs or fringe benefits. The stipend of $7340 includes a fellowship of $4000 plus $3340 for all expenses associated with travel and subsistence. Once they receive their awards, college and university grant recipients are expected to provide the full stipend to participating students in one lump sum before May 27, 2008, the start of the *SURF NIST Boulder Program*. NIST will disburse funds to college and university awardees via the Automated Standard Application for Payments (ASAP) system.

The table below summarizes the anticipated funding from NSF and NIST to operate the *SURF NIST Boulder Program*, broken out by Laboratory, subject to program approval and availability of funds.

Laboratory	Anticipated NSF funding	Anticipated NIST funding	Total program funding	Anticipated number of awards
EEEL	34,400	39,000	73,400	10
PL	17,200	19,500	36,700	5
CSTL	6,880	7,800	14,680	2
MSEL	13,760	15,600	29,360	4
ITL	3,440	3,900	7,340	1

The actual number of awards made under this announcement will depend on the proposed budgets and the availability of funding. For the *SURF NIST Boulder Program* described in this funding opportunity, it is expected that individual awards to institutions will be $7340 times the number of participating students from that institution.

The *SURF NIST Boulder Program* is anticipated to run from May 27, 2008 through August 8, 2008; adjustments may be made to accommodate specific academic schedules (e.g., some 11-week cooperative agreements shifted to begin after the regular start in order to accommodate institutions operating on quarter systems).

Funding for the program(s) listed in this notice is contingent upon the availability of Fiscal Year 2008 appropriations under The Consolidated Appropriations Act, 2008 (Pub. L. 110–161). In no event will NIST or the Department of Commerce be responsible for proposal preparation costs if this program(s) fails to receive funding or is cancelled because of other agency priorities. Publication of this announcement does not oblige NIST or the Department of Commerce to award any specific project or to obligate any available funds.

Statutory Authority: 15 U.S.C. 278g–1.

Eligibility: The *SURF NIST Boulder Program* is open to colleges and universities in the United States and its territories with degree granting programs in materials science, chemistry, engineering, computer science, mathematics, or physics. Participating students must be U.S. citizens or permanent U.S. residents. The *SURF NIST Boulder Program* focuses on undergraduate fellows. Graduating seniors are eligible to participate but the likelihood of funds for their possible participation is extremely limited. Up to three such participants, approximately, might be considered if funds become available. If so, NIST will give priority to previous SURF participants. The *SURF NIST Boulder Program* does not require any matching funds.

Review and Selection Process: All *SURF NIST Boulder Program* proposals are submitted to the Administrative Coordinator. Each proposal is examined for completeness and responsiveness. Incomplete or non-responsive proposals will not be considered for funding, and the applicant will be so notified. The Program will retain one copy of each non-responsive application for three years for record keeping purposes. Proposals should include the following:

(A) Student Information (student's name and university should appear on all of these documents):
  (1) student application information cover sheet;
  (2) academic transcript for each student nominated for participation (it is recommended that students have a G.P.A. of 3.0 or better, out of a possible 4.0);
  (3) a statement of motivation and commitment from each student to participate in the *SURF NIST Boulder Program*, including a description of the student's prioritized research interests;
  (4) a resume for each student;
  (5) two letters of recommendation for each student; and
  (6) confirmation of U.S. citizenship or permanent legal resident status for each student.

(B) Information About the Applicant Institution:
  (1) Description of the institution's education and research programs; and
  (2) A summary list of the student(s) being nominated, with one paragraph of commentary about each student from a dean or department chair that describes why the students would be successful in the SURF program.

Institution proposals will be separated into student/institution packets. Each student/institution packet will be comprised of the required application forms, including a complete copy of the student information and a complete copy of the institution information. The student/institution packets will be directed to a review committee of NIST staff appointed by the SURF NIST Boulder Directors.

First, all applications received in response to this announcement will be reviewed to determine whether or not they are complete and responsive to the scope of the stated program objectives. Incomplete or non-responsive applications will not be reviewed for technical merit.

Second, each SURF student/university packet will be reviewed by at least three independent, objective NIST employees, who are knowledgeable in the scientific areas of the program and are able to conduct a technical review of each student/university packet based on the Evaluation Criteria described in this notice. The normalized scores based on this merit review will be averaged for each student/university applicant packet, creating a rank order. The Selecting Official, the Director of NIST Boulder Laboratories, shall award in the rank order unless a proposal is justified to be selected out of rank order based upon one or more of the following factors: Availability of funding, balance or distribution of funds by research or technical disciplines.

The final approval of selected applications and award of financial assistance will be made by the NIST Grants Officer based on compliance with application requirements as published in this notice, compliance with applicable legal and regulatory

requirements, and whether the recommended applicants appear to be responsible. Applicants may be asked to modify objectives, work plans, or budgets and provide supplemental information required by the agency prior to award. The decisions of the Grants Officer are final.

Unsuccessful applicants will be notified in writing. The Program will retain one copy of each unsuccessful application for three years for record keeping purposes.

Evaluation Criteria: For the *SURF NIST Boulder Program* the evaluation criteria are as follows:

(A) Evaluation of Student's Academic Ability and Commitment to Program Goals (80%): Includes evaluation of completed course work; expressed research interest; compatibility of the expressed research interest with SURF NIST Boulder research areas; research skills; grade point average in courses relevant to the *SURF NIST Boulder Program*; career goals; honors and activities;

(B) Evaluation of Applicant Institution's Commitment to Program Goals (20%): Includes evaluation of the institution's academic department(s) relevant to the discipline(s) of the student(s).

The following information applies to all programs announced in this notice:

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements: The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the **Federal Register** notice of December 30, 2004 (69 FR 78389). On the form SF–424, the applicant's 9-digit Dun and Bradstreet Data Universal Numbering System (DUNS) number must be entered in the Applicant Identifier block (68 FR 38402).

Collaborations with NIST Employees: All applications should include a description of any work proposed to be performed by an entity other than the applicant, and the cost of such work should ordinarily be included in the budget.

If an applicant proposes collaboration with NIST, the statement of work should include a statement of this intention, a description of the collaboration, and prominently identify the NIST employee(s) involved, if known. Any collaboration by a NIST employee must be approved by appropriate NIST management and is at the sole discretion of NIST. Prior to beginning the merit review process, NIST will verify the approval of the proposed collaboration. Any unapproved collaboration will be stricken from the proposal prior to the merit review.

Use of NIST Intellectual Property: If the applicant anticipates using any NIST-owned intellectual property to carry out the work proposed, the applicant should identify such intellectual property. This information will be used to ensure that no NIST employee involved in the development of the intellectual property will participate in the review process for that competition. In addition, if the applicant intends to use NIST-owned intellectual property, the applicant must comply with all statutes and regulations governing the licensing of Federal government patents and inventions, described at 35 U.S.C. 200–212, 37 CFR Part 401, 15 CFR 14.36, and in section B.20 of the Department of Commerce Pre-Award Notification Requirements, published on December 30, 2004 (69 FR 78389). Questions about these requirements may be directed to the Counsel for NIST, 301–975–2803.

Any use of NIST-owned intellectual property by a proposer is at the sole discretion of NIST and will be negotiated on a case-by-case basis if a project is deemed meritorious. The applicant should indicate within the statement of work whether it already has a license to use such intellectual property or whether it intends to seek one.

If any inventions made in whole or in part by a NIST employee arise in the course of an award made pursuant to this notice, the United States government may retain its ownership rights in any such invention. Licensing or other disposition of NIST's rights in such inventions will be determined solely by NIST, and include the possibility of NIST putting the intellectual property into the public domain.

Initial Screening of all Applications: All applications received in response to this announcement will be reviewed to determine whether or not they are complete and responsive to the scope of the stated objectives for each program. Incomplete or non-responsive applications will not be reviewed for technical merit. The Program will retain one copy of each non-responsive application for three years for record keeping purposes. The remaining copies will be destroyed.

Paperwork Reduction Act: The standard forms in the application kit involve a collection of information subject to the Paperwork Reduction Act. The use of Standard Forms 424, 424A, 424B, SF–LLL, CD–346, and SURF Program Student Applicant Information have been approved by OMB under the respective Control Numbers 0348–0043, 0348–0044, 0348–0040, 0348–0046, 0605–0001, and 0693–0042.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Research Projects Involving Human Subjects, Human Tissue, Data or Recordings Involving Human Subjects: Any proposal that includes research involving human subjects, human tissue, data or recordings involving human subjects must meet the requirements of the Common Rule for the Protection of Human Subjects, codified for the Department of Commerce at 15 CFR Part 27. In addition, any proposal that includes research on these topics must be in compliance with any statutory requirements imposed upon the Department of Health and Human Services (DHHS) and other federal agencies regarding these topics, all regulatory policies and guidance adopted by DHHS, FDA, and other Federal agencies on these topics, and all Presidential statements of policy on these topics.

NIST will accept the submission of human subjects protocols that have been approved by Institutional Review Boards (IRBs) registered with DHHS and performed by entities possessing a current, valid Federal-wide Assurance (FWA) from DHHS. NIST will not issue a single project assurance (SPA) for any IRB reviewing any human subjects protocol proposed to NIST.

On August 9, 2001, the President announced his decision to allow Federal funds to be used for research on existing human embryonic stem cell lines as long as prior to his announcement (1) the derivation process (which commences with the removal of the inner cell mass from the blastocyst) had already been initiated and (2) the embryo from which the stem cell line was derived no longer had the possibility of development as a human being. NIST will follow guidance issued by the National Institutes of Health at *http://ohrp.osophs.dhhs.gov/humansubjects/guidance/stemcell.pdf* for funding such research.

Research Projects Involving Vertebrate Animals: Any proposal that includes research involving vertebrate animals must be in compliance with the National Research Council's ''Guide for the Care and Use of Laboratory Animals'' which can be obtained from

National Academy Press, 2101 Constitution Avenue, NW., Washington, DC 20055. In addition, such proposals must meet the requirements of the Animal Welfare Act (7 U.S.C. 2131 *et seq.*), 9 CFR Parts 1, 2, and 3, and if appropriate, 21 CFR Part 58. These regulations do not apply to proposed research using pre-existing images of animals or to research plans that do not include live animals that are being cared for, euthanized, or used by the project participants to accomplish research goals, teaching, or testing. These regulations also do not apply to obtaining animal materials from commercial processors of animal products or to animal cell lines or tissues from tissue banks.

Limitation of Liability: Funding for the programs listed in this notice is contingent upon the availability of Fiscal Year 2008 appropriations under the Consolidated Appropriations Act, 2008 (Pub. L. 110–161). In no event will the Department of Commerce be responsible for proposal preparation costs if these programs fail to receive funding or are cancelled because of other agency priorities. Publication of this announcement does not oblige the agency to award any specific project or to obligate any available funds.

Executive Order 12866: This funding notice was determined to be not significant for purposes of Executive Order 12866.

Executive Order 13132 (Federalism): It has been determined that this notice does not contain policies with federalism implications as that term is defined in Executive Order 13132.

Executive Order 12372: Applications under this program are not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

Administrative Procedure Act/ Regulatory Flexibility Act: Notice and comment are not required under the Administrative Procedure Act (5 U.S.C. 553) or any other law, for rules relating to public property, loans, grants, benefits or contracts (5 U.S.C. 553(a)). Because notice and comment are not required under 5 U.S.C. 553, or any other law, for rules relating to public property, loans, grants, benefits or contracts (5 U.S.C. 553(a)), a Regulatory Flexibility Analysis is not required and has not been prepared for this notice, 5 U.S.C. 601 *et seq.*

Dated: January 22, 2008.

Richard F. Kayser,

Acting Deputy Director, NIST.

[FR Doc. E8–1333 Filed 1–24–08; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE98

Endangered Species; File No. 10101

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Tonya Wiley, Mote Marine Laboratory, Center for Shark Research,1600 Ken Thompson Parkway, Sarasota, Florida 34236, has applied in due form for a permit to take smalltooth sawfish (*Pristis pectinata*) for purposes of scientific research.

DATES: Written, telefaxed, or e-mail comments must be received on or before February 25, 2008.

ADDRESSES: The application and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)427–2521; and

Southeast Region, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701; phone (727)824–5312; fax (727)824–5309.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301)427–2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing e-mail comments is *NMFS.Pr1Comments@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: File No. 10100.

FOR FURTHER INFORMATION CONTACT: Patrick Opay or Jennifer Skidmore, (301)713–2289.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

The applicant proposes to collect data on the biology, distribution and abundance of the endangered smalltooth sawfish in order to facilitate the recovery of the species. All sawfish captured during field surveys would be handled, measured, tagged, sampled, and released alive. Capture methods would include longline, rod and reel, set lines (drum lines), gill nets, and beach seines. Tagging methods include rototags (fin tags), plastic headed dart tags, Passive Integrated Transponder (PIT) tags, acoustic tags (transmitters), Pop-Up Archival Transmitting (PAT) tags, and Smart Position Only Transmitting (SPOT) tags. Sampling would include a small fin clip and a small blood sample. Sawfish acquired through dead strandings or from law enforcement confiscations would be measured and sampled for scientific purposes. Sampling would occur in Florida, with the goal of taking 45 smalltooth sawfish per year. The applicant requests a permit for five years. Incidental take of sea turtles, sturgeon, coral, dolphins, alligators, crocodiles and manatees are unlikely but possible.

Dated: January 18, 2008.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E8–1315 Filed 1–24–08; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE INTERIOR

U.S. Fish and Wildlife Service

RIN 0648–XE56

Marine Mammals and Endangered Species; National Marine Fisheries Service File No. 10074; U.S. Fish and Wildlife Service File No. PRT–165304

AGENCIES: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce; U.S. Fish and Wildlife Service, Interior.

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Michael Etnier, Ph.D., Box 353100, University of Washington, Seattle, WA

98227, has applied in due form for a permit to import, export, and possess marine mammal specimens for the purposes of scientific research.

DATES: Written, telefaxed, or e-mail comments must be received on or before February 25, 2008.

ADDRESSES: The application and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)427–2521;

Northwest Region, NMFS, 7600 Sand Point Way NE, BIN C15700, Bldg. 1, Seattle, WA 98115–0700; phone (206)526–6150; fax (206)526–6426; and

U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 212, Arlington, VA 22203 (1–800–358–2104).

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301)427–2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing e-mail comments is *NMFS.Pr1Comments@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: File No. 10074/PRT–165304

FOR FURTHER INFORMATION CONTACT: Kate Swails or Amy Sloan, Office of Protected Resources, NMFS, (301)713–2289.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR parts 18 and 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 17 and 222–226).

Dr. Etnier requests a 5–year permit to possess and import/export marine mammal and endangered and threatened species parts (hard and soft) from the orders of Cetacea, Pinnipedia, and Carnivora (sea otter, *Enhydra lutris*). Specimens (teeth, bone, and whiskers) would be obtained from museums and private collections or collected from carcasses of beach stranded animals or federally sponsored subsistence harvests. No animals would be taken or killed for the purposes of this research. The objectives are to combine osteometric, chemical, and genetic analyses to test hypotheses regarding the stability of ecological adaptations among marine mammals in the eastern north Pacific Ocean throughout the Late Holocene.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: January 16, 2008.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

Dated: January 16, 2008.

Timothy J. VanNorman,

Chief, Branch of Permits, Division of Management Authority, U.S. Fish and Wildlife Service.

[FR Doc. E8–1318 Filed 1–24–08; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF18

General Advisory Committee to the U.S. Section to the Inter-American Tropical Tuna Commission; Meeting Announcement

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: NMFS announces a meeting, via teleconference, of the General Advisory Committee to the U.S. Section to the Inter-American Tropical Tuna Commission (IATTC) in February 2008. Meeting topics are provided under the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES: The meeting will be held on February 20, 2008, from 10 a.m. to 12 p.m. (or until business is concluded), Pacific time.

ADDRESSES: The meeting will be held via teleconference. Please notify Allison Routt prior to February 13, 2008, to receive dial in information and of your intent to participate in this teleconference.

FOR FURTHER INFORMATION CONTACT: Allison Routt at (562) 980–4019 or (562) 980–4030.

SUPPLEMENTARY INFORMATION: In accordance with the Tuna Conventions Act, as amended, the Department of State has appointed a General Advisory Committee to the U.S. Section to the IATTC. The U.S. Section consists of the four U.S. Commissioners to the IATTC and the representative of the Deputy Assistant Secretary of State for Oceans and Fisheries. The Advisory Committee supports the work of the U.S. Section in a solely advisory capacity with respect to U.S. participation in the work of the IATTC, with particular reference to the development of policies and negotiating positions pursued at meetings of the IATTC. NMFS, Southwest Region, administers the Advisory Committee in cooperation with the Department of State.

Meeting Topics

The General Advisory Committee will meet to receive and discuss information on: (1) 2007 and 2008 IATTC activities, (2) activities of the Commerce and State Departments and the Pacific Fishery Management Council and Western Pacific Fishery Management Council as they relate to the IATTC, including scientific developments, (3) upcoming meetings of the IATTC, including issues such as: conservation and management measures for yellowfin and bigeye tuna for 2008 and beyond, measures to be taken in the absence of conservation and management measures, management of fishing capacity, and other issues, (4) IATTC cooperation with other regional fishery management organizations, and (5) administrative matters pertaining to the General Advisory Committee.

Special Accommodations

The meeting is via teleconference. Requests for special accommodations, issues, and needs should be directed to Allison Routt at (562) 980–4019 or (562) 980–4030 by February 13, 2008.

Dated: January 18, 2008.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E8–1311 Filed 1–24–08; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comment on Short Supply Petition Under the North American Free Trade Agreement (NAFTA)

January 18, 2008.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Request for Public Comments concerning a request for modification of the NAFTA rules of origin for warp pile fabric made from solution dyed, wet spun acrylic fiber.

SUMMARY: On January 14, 2008, the Chairman of CITA received a request from Glen Raven Custom Fabrics LLC, alleging that certain solution dyed, wet spun acrylic fibers, not carded, combed or otherwise processed for spinning, classified under subheading 5503.30 of the Harmonized Tariff Schedule of the United States (HTSUS), cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that CITA consider whether the North American Free Trade Agreement (NAFTA) rule of origin for warp pile fabrics, classified under HTSUS subheading 5801.35, should be modified to allow the use of non-North American solution dyed, wet spun acrylic fiber. The President may proclaim a modification to the NAFTA rules of origin only after reaching an agreement with the other NAFTA countries on the modification. CITA hereby solicits public comments on this request, in particular with regard to whether solution dyed, wet spun acrylic fiber of HTSUS subheading 5503.30 can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be submitted by February 25, 2008 to the Chairman, Committee for the Implementation of Textile Agreements, Room 3001, United States Department of Commerce, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Maria Dybczak, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–3651.

SUPPLEMENTARY INFORMATION: *Authority:* Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Section 202(q) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3332(q)); Executive Order 11651 of March 3, 1972, as amended.

Background: Under the North American Free Trade Agreement (NAFTA), NAFTA countries are required to eliminate customs duties on textile and apparel goods that qualify as originating goods under the NAFTA rules of origin, which are set out in Annex 401 to the NAFTA. The NAFTA provides that the rules of origin for textile and apparel products may be amended through a subsequent agreement by the NAFTA countries. See Section 202(q) of the NAFTA Implementation Act. In consultations regarding such a change, the NAFTA countries are to consider issues of availability of supply of fibers, yarns, or fabrics in the free trade area and whether domestic producers are capable of supplying commercial quantities of the good in a timely manner. The Statement of Administrative Action (SAA) that accompanied the NAFTA Implementation Act stated that any interested person may submit to CITA a request for a modification to a particular rule of origin based on a change in the availability in North America of a particular fiber, yarn or fabric and that the requesting party would bear the burden of demonstrating that a change is warranted. NAFTA Implementation Act, SAA, H. Doc. 103–159, Vol. 1, at 491 (1993). The SAA provides that CITA may make a recommendation to the President regarding a change to a rule of origin for a textile or apparel good. SAA at 491. The NAFTA Implementation Act provides the President with the authority to proclaim modifications to the NAFTA rules of origin as are necessary to implement an agreement with one or more NAFTA country on such a modification. See section 202(q) of the NAFTA Implementation Act.

On January 14, 2008, the Chairman of CITA received a request from Glen Raven Custom Fabrics, LLC, alleging that certain acrylic fibers, not carded, combed or otherwise processed for spinning, classified under subheading 5503.30 of the Harmonized Tariff Schedule of the United States (HTSUS), cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that CITA consider whether the North American Free Trade Agreement (NAFTA) rule of origin for warp pile fabrics, classified under HTSUS subheading 5801.35, should be modified to allow the use of non-North American acrylic fiber.

CITA is soliciting public comments regarding this request, particularly with respect to whether the solution dyed, wet spun acrylic fiber described above can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be received no later than February 25, 2008. Interested persons are invited to submit six copies of such comments or information to the Chairman, Committee for the Implementation of Textile Agreements, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230.

If a comment alleges that these acrylic staple fibers can be supplied by the domestic industry in commercial quantities in a timely manner, CITA will closely review any supporting documentation, such as a signed statement by a manufacturer stating that it produces fiber that is the subject of the request, including the quantities that can be supplied and the time necessary to fill an order, as well as any relevant information regarding past production.

CITA will protect any business confidential information that is marked business confidential from disclosure to the full extent permitted by law. CITA will make available to the public non-confidential versions of the request and non-confidential versions of any public comments received with respect to a request in room 3001 in the Herbert Hoover Building, 14th and Constitution Avenue, NW., Washington, DC 20230. Persons submitting comments on a request are encouraged to include a non-confidential version and a non-confidential summary.

R. Matthew Priest,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. E8–1269 Filed 1–24–08; 8:45 am]

BILLING CODE 3510–DS–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Written Notice to the Government of Honduras of Intent To Apply a Textile Safeguard Measure on Imports from Honduras of Cotton Socks

January 18, 2008.

AGENCY: The Committee for the Implementation of Textile Agreements (''the Committee'').

ACTION: Notice.

SUMMARY: The Committee is submitting written notice to the Government of Honduras with respect to its intent to apply a textile safeguard measure on imports of Honduran origin cotton socks (Category 332).

FOR FURTHER INFORMATION CONTACT: Sergio Botero, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–3400.

SUPPLEMENTARY INFORMATION: *Authority:* Title III, Subtitle B, Section 321 through Section 328 of the Dominican Republic-Central America-United States Free Trade Agreement (''CAFTA–DR'' or the ''Agreement'') Implementation Act; Article 3.23 of the Dominican Republic-Central America-United States Free Trade Agreement.

Notice

On January 18, 2007, as provided for under Article 3.23 of the Dominican Republic-Central America-United States Free Trade Agreement, the United States submitted written notice to the Government of Honduras with respect to its intent to apply a textile safeguard measure on imports of Honduran origin cotton socks (Category 332).

Background

On August 21, 2007, the Committee initiated a safeguard proceeding to determine whether imports of Honduran cotton, wool, and man-made fiber socks (merged Category 332/432 and 632 part) are causing serious damage, or actual threat thereof, to the U.S. industry producing socks, (72 FR 46611, August 21, 2007). The initiation of the safeguard proceeding launched a 30-day period during which interested parties and stakeholders submitted comments. In accordance with section 4 of the Committee's Procedures for considering action under the CAFTA–DR textile and apparel safeguard, (71 FR 25157, April 28, 2006), the Committee has determined that it intends to apply a textile safeguard measure with respect to imports of Honduran origin cotton socks (Category 332). This determination is based on the comments received and information available to the Committee that demonstrates that safeguard measures are warranted with respect to Honduran origin cotton socks falling within Category 332, which represent approximately 99% of the imports subject to this safeguard inquiry. The Committee notes that it is not at this time making a determination to apply a safeguard measure with respect to wool and man-made fiber socks (Categories 432 and 632 Part, respectively), that were part of this original safeguards inquiry.

Article 3.23(4) of the Agreement provides that, following receipt of written notice by an importing Party of intent to apply a safeguard measure, the exporting Party may request consultations. Article 3.23(4) further provides that, upon receipt of a request for consultations, the United States and the Government of Honduras shall begin consultations without delay and shall be completed within 60 days of the date of the request for consultations. The United States shall make a decision on whether to apply a safeguard measure within 30 days of completion of the consultations.

If the United States decides in the affirmative, the United States would increase the duty on all Honduran origin cotton socks within Category 332 (including those knit in the United States) to a level that does not exceed the lesser of: (a) The prevailing U.S. normal trade relations (NTR)/most-favored-nation (MFN) duty rate for the article at the time the measure is applied; or (b) the U.S. NTR/MFN applied duty rate in effect on the date of entry into force of the CAFTA–DR, currently 13.5% for most socks imported from Honduras. The Committee is further considering the appropriate safeguard tariff rate that would be applied to imported cotton socks from Honduras.

Article 3.23 of the Agreement provides that, no Party may maintain a textile safeguard measure for a period exceeding three years. In this case, the Committee has further determined that, if at the conclusion of the consultation period, the United States decides in the affirmative, the United States would apply a safeguard measure on imports of Honduran origin cotton socks (Category 332) until December 31, 2008, to coincide with the expiring limits on cotton sock imports from China.

In the event that safeguard measures are applied by the United States, the United States would have to provide mutually agreed and substantially equivalent compensation in textile and apparel products to Honduras. If the United States and Honduras are unable to agree on compensation within 30 days of the application of a textile safeguard measure, Honduras may take tariff action of a substantially equivalent trade effect.

R. Matthew Priest,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 08–290 Filed 1–18–08; 4:53 pm]

BILLING CODE 3510–DS–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 10:30 a.m., Thursday, January 24, 2008.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Sauntia S. Warfield, 202–418–5084.

David A. Stawick,

Secretary of the Commission.

[FR Doc. 08–326 Filed 1–22–08; 4:21 pm]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

U.S. Court of Appeals for the Armed Forces Code Committee Meeting

AGENCY: Department of Defense.

ACTION: Notice of public meeting.

SUMMARY: This notice announces the forthcoming public meeting of the Code Committee established by Article 146(a), Uniform Code of Military Justice, 10 U.S.C. 946(a), to be held at the Courthouse of the United States Court of Appeals for the Armed Forces, 450 E. Street, NW., Washington, DC 20441–0001, at 9 a.m. on Tuesday, March 4, 2008. The agenda for this meeting will include consideration of proposed changes to the Uniform Code of Military Justice and the Manual for Courts-Martial, United States, and other matters relating to the operation of the Uniform Code of Military Justice throughout the Armed Forces.

FOR FURTHER INFORMATION CONTACT: William A. DeCicco, Clerk of Court, United States Court of Appeals for the Armed Forces, 450 E Street, NW., Washington, DC 20442–0001, telephone (202) 761–1448.

Dated: January 17, 2008.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 08–291 Filed 1–24–08; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Notice of Intent To Grant Partially Exclusive License of U.S. Patent Application No. 11/82,432 Entitled ''A Method and System for Treating Metal-Containing Fluid Emissions'' and U.S. Patent Application No. 10/931,232 ''Perlite Sorbents for Vapor Phase Metals and Metals Compounds''

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DOD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.7(a)(1)(i), announcement is made of a prospective partially exclusive license for specific applications of small ammunition destruction, soil remediation from contaminants, and Municipal Solid Waste (MSW) recycling (converting waste products into reusable materials) in worldwide markets.

DATES: Written objections must be filed not later than 15 days following publication of this announcement.

ADDRESSES: United States Army Corps of Engineers Research and Development Center, Office of Technology Transfer and Outreach, ATTN: CEERD–OT (Ms. Bea Shahin), 2902 Newmark Drive, Champaign, IL 61822–1076.

FOR FURTHER INFORMATION CONTACT: Ms. Bea Shahin, (217) 373–7234, Fax (217) 373–7210; Internet *Bea.S.Shahin@usace.army.mil.*

SUPPLEMENTARY INFORMATION: Emissions from military deactivation furnaces contain toxic metal vapors and particulates at high temperatures reaching 1200 °F. Based on the speciation studies conducted by U.S. Army Engineer Research and Development Center, Construction Engineering Research Laboratory (ERDC–CERL) on emissions from deactivation furnaces, lead, cadmium, antimony and other metals released are in two phases as solid particulates and vapor phase. It is also observed that nearly 97% of the metals are in particulate form. Thus if we can capture the solid particulates, the metals emissions would be significantly reduced. However, it is necessary to capture the vapor phase metal compounds also to reduce the total emissions well below the National Emissions Standards for Hazardous Air Pollutants (NESHAP) standards. Thus ERDC–CERL has developed an emissions control system, Integrated Metal Emissions Control System (IMECS™) to capture the particulates and the vapor phase metal compounds. The two patents involved here describe capturing particulate emissions as well as vapor phase toxic/hazardous compounds from combustion processes. The technology involves *Steel Screen Particulate (SSP) Filter System* that is capable of capturing the particulate material (including $PM_{2.5}$) followed by a *Perlite Based Sorbent (PBS)* fixed bed system. The IMECS™ can be operated at high temperatures and can significantly remove large quantities of lead and other metal compounds. The IMECS™ is compact and can be sized conveniently and integrated with mobile and stationary incinerator systems alike. Emissions of volatile and semi-volatile metal particulates as well as select organics may be captured from deactivation furnaces, solid waste incinerators, can be cost effectively controlled with the IMECS.™

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. E8–1308 Filed 1–24–08; 8:45 am]

BILLING CODE 3710–92–P

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education; Overview Information: Alaska Native Education Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2008

Catalog of Federal Domestic Assistance (CFDA) Number: 84.356A.

DATES:

Applications Available: January 25, 2008.

Deadline for Transmittal of Applications: March 10, 2008.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of this program is to develop and support supplemental educational programs to benefit Alaska Natives. Permissible activities under this program include the following: (1) Development and implementation of plans, methods, and strategies to improve the education of Alaska Natives; (2) development of curricula and educational programs that address the educational needs of Alaska Native students; (3) professional development activities for educators; (4) development and operation of home instruction programs for Alaska Native preschool children, to ensure the active involvement of parents in their children's education from the earliest ages; (5) family literacy services; (6) development and operation of student enrichment programs in science and mathematics; (7) research and data collection activities to determine the educational status and needs of Alaska Native children and adults; (8) other research and evaluation activities related to programs carried out under Alaska Native education programs; (9) remedial and enrichment programs to assist Alaska Native students in performing at a high level on standardized tests; (10) education and training of Alaska Native students enrolled in a degree program that will lead to certification or licensing as teachers; (11) parenting education for parents and caregivers of Alaska Native children to improve parenting and caregiving skills (including skills relating to discipline and cognitive development and parenting education provided through in-home visitation of new mothers); (12) activities carried out through Even Start programs under subpart 3 of part B of Title I of the Elementary and Secondary Education Act of 1965, as amended (ESEA), and Head Start programs under the Head Start Act, including the training of teachers for Even Start and Head Start programs; (13) other early learning and preschool programs; (14) dropout prevention programs; (15) career preparation activities to enable Alaska Native children and adults to prepare for meaningful employment, including programs providing ''tech-prep,'' mentoring, training, and apprenticeship activities; (16) provision of operational support and purchasing of equipment to develop regional vocational schools in rural areas of Alaska, including boarding schools, for Alaska Native students in grades 9 through 12, or at higher levels of education, to provide the students with necessary resources to prepare for skilled employment opportunities; (17) construction of facilities that support the operation of Alaska Native education programs; and (18) other activities, consistent with the purposes of this program, to meet the educational needs of Alaska Native children and adults.

Priorities: This competition includes a competitive preference priority and an invitational priority. In accordance with 34 CFR 75.105(b)(2)(iv), the competitive preference priority is from section 7304(c) of the ESEA (20 U.S.C. 7544(c)). The invitational priority is from the notice of final priorities for discretionary grant programs, published in the **Federal Register** on October 11, 2006 (71 FR 60046).

Competitive Preference Priority: For FY 2008 and any subsequent year in which we make awards based on the list of unfunded applicants from this competition, this priority is a

competitive preference priority. Under 34 CFR 75.105(c)(2)(i), we award an additional five points to an application that meets this priority.

This priority is:

The Secretary gives priority to applications from Alaska Native regional nonprofit organizations or consortia that include at least one Alaska Native regional nonprofit organization. In order to receive a competitive preference under this priority, an application must provide documentation supporting its claim that it meets this priority.

Invitational Priority: For FY 2008 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an invitational priority. Under 34 CFR 75.105(c)(1) we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

Secondary Schools. Projects that support activities and interventions aimed at improving the academic achievement of secondary school students who are at greatest risk of not meeting challenging State academic standards and not completing high school.

Program Authority: 20 U.S.C. 7541, *et seq.*; Department of Education Appropriations Act, 2008.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, 82, 84, 85, 86, 97, 98, and 99. (b) The notice of final priorities for discretionary grant programs, published in the **Federal Register** on October 11, 2006 (71 FR 60046).

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $7,500,000.

Contingent upon the availability of funds and the quality of applications, the Secretary may make additional awards in FY 2009 from the list of unfunded applicants from this competition.

Estimated Range of Awards: $300,000–$700,000.

Estimated Average Size of Awards: $500,000.

Estimated Number of Awards: 11–18.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

III. Eligibility Information

1. *Eligible Applicants:* (a) Alaska Native organizations;

(b) Educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages;

(c) Cultural and community-based organizations with experience in developing or operating programs to benefit Alaska Natives; and

(d) Consortia of organizations and entities described in this paragraph to carry out activities that meet the purposes of this program.

Note: A State educational agency or local educational agency may apply for an award under this program only as part of a consortium involving an Alaska Native organization. The consortium may include other eligible applicants.

2. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

IV. Application and Submission Information

1. *Address To Request Application Package:* You can obtain a copy of the application package via the Internet or from the program office.

To obtain a copy via the Internet, use the following addresses: *http://www.grants.gov* or *http://www.ed.gov/programs/alaskanative/applicant.html.*

To obtain a copy from the program office, contact: (1) Alexis Fisher, U.S. Department of Education, 400 Maryland Avenue, SW., room 3W217, Washington, DC 20202–6200. Telephone: (202) 401–0281 or by e-mail: *alexis.fisher@ed.gov,* or (2) Erica Shephard, U.S. Department of Education, 400 Maryland Avenue, SW., room 3W205, Washington, DC 20202–6200. Telephone: (202) 205–3871 or by e-mail: *erica.shephard@ed.gov.*

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities can obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting either of the program contact persons listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Page Limit: The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the application narrative (Part III) to the equivalent of no more than 25 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

The recommended page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; the abstract; the resumes; or the appendices.

3. *Submission Dates and Times:*

Applications Available: January 25, 2008.

Deadline for Transmittal of Applications: March 10, 2008.

Applications for grants under this competition must be submitted electronically using the *Grants.gov* Apply site (*Grants.gov*). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This competition is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Funding Restrictions:* Under section 7304(b) of the ESEA (20 U.S.C. 7544(b)), not more than five percent of the funds provided to a grantee under this competition for any fiscal year may be used for administrative purposes.

We reference additional regulations outlining funding restrictions in the

Applicable Regulations section of this notice.

6. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. Electronic Submission of Applications

Applications for grants under the Alaska Native Education Program, CFDA Number 84.356A, must be submitted electronically using the Governmentwide *Grants.gov* Apply site at *http://www.Grants.gov*. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the Alaska Native Education Program at *http://www.Grants.gov.* You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.356, not 84.356A).

Please note the following:

- When you enter the *Grants.gov* site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by *Grants.gov* are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the *Grants.gov* system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date and time stamped by the *Grants.gov* system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from *Grants.gov*, we will notify you if we are rejecting your application because it was date and time stamped by the *Grants.gov* system after 4:30 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through *Grants.gov*.
- You should review and follow the Education Submission Procedures for submitting an application through *Grants.gov* that are included in the application package for this competition to ensure that you submit your application in a timely manner to the *Grants.gov* system. You can also find the Education Submission Procedures pertaining to *Grants.gov* at *http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf*.
- To submit your application via *Grants.gov*, you must complete all steps in the *Grants.gov* registration process (see *http://www.grants.gov/applicants/get_registered.jsp*). These steps include (1) registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the *Grants.gov* 3-Step Registration Guide (see *http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf*). You also must provide on your application the same D–U–N–S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to submit successfully an application via *Grants.gov*. In addition you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. Please note that two of these forms—the SF 424 and the Department of Education Supplemental Information for SF 424—have replaced the ED 424 (Application for Federal Assistance).
- You must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from *Grants.gov* an automatic notification of receipt that contains a *Grants.gov* tracking number. (This notification indicates receipt by *Grants.gov* only, not receipt by the Department.) The Department then will retrieve your application from *Grants.gov* and send a second notification to you by e-mail. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date. *Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System:* If you are experiencing problems submitting your application through Grants.gov, please contact the *Grants.gov* Support Desk, toll free, at 1–800–518–4726. You must obtain a *Grants.gov* Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the *Grants.gov* system, we will grant you an extension until 4:30 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice and provide an explanation of the technical problem you experienced with *Grants.gov*, along with the *Grants.gov* Support Desk Case

Number. We will accept your application if we can confirm that a technical problem occurred with the *Grants.gov* system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the *Grants.gov* system. We will not grant you an extension if you failed to fully register to submit your application to *Grants.gov* before the application deadline date and time or if the technical problem you experienced is unrelated to the *Grants.gov* system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the *Grants.gov* system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the *Grants.gov* system; and
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: (1) Alexis Fisher, U.S. Department of Education, 400 Maryland Avenue, SW., room 3W217, Washington, DC 20202–6200. Telephone: (202) 401–0821. FAX: (202) 260–8969, or (2) Erica Shephard, U.S. Department of Education, 400 Maryland Avenue, SW., room 3W205, Washington, DC 20202–6200. Telephone: (202) 205–3871. Fax: (202) 260–8969.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service:
U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.356A), 400 Maryland Avenue, SW., Washington, DC 20202–4260
or
By mail through a commercial carrier:
U.S. Department of Education, Application Control Center, Stop 4260, Attention: (CFDA Number 84.356A), 7100 Old Landover Road, Landover, MD 20785–1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.356A), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

Selection Criteria: The selection criteria for this competition are from 34 CFR 75.210. The maximum score for all criteria is 100 points. The maximum score for each criterion is indicated in parentheses. The selection criteria for this competition are as follows:

(a) *Need for project* (20 points). In determining the need for the proposed project, the Secretary considers the magnitude of the need for the services to be provided or the activities to be carried out by the proposed project.

(b) *Quality of the project design* (30 points). In determining the quality of the design of the proposed project, the Secretary considers the extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs.

(c) *Quality of the management plan* (20 points). In determining the quality of the management plan for the proposed project, the Secretary considers the adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(d) *Adequacy of resources* (15 points). In determining the adequacy of resources for the proposed project, the Secretary considers the extent to which the budget is adequate to support the proposed project.

(e) *Quality of the project evaluation* (15 points). In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(ii) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section in this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section in this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary in 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *http://www.ed.gov/fund/grant/apply/appforms/appforms.html*.

In addition to reporting on project-defined objectives, each grantee must report on the three performance measures described in the next section in the grantee's annual and final reports.

4. *Performance Measures:* The Alaska Native Education Program seeks to support supplemental education programs to benefit Alaska Native populations. The Department uses the following performance measures to assess program success: (1) The percentage of participating students who meet or exceed proficiency standards in mathematics, science, or reading; (2) the percentage of participating students who improve on measures of school readiness; and (3) the dropout rate of participating Alaska Native and American Indian middle and high school students.

VII. Agency Contacts

FOR FURTHER INFORMATION CONTACT: (1) Alexis Fisher, U.S. Department of Education, 400 Maryland Avenue, SW., room 3W217, Washington, DC 20202–6200. Telephone: (202) 401–0281 or by e-mail: *alexis.fisher@ed.gov*, or (2) Erica Shephard, U.S. Department of Education, 400 Maryland Avenue, SW., room 3W205, Washington, DC 20202–6200. Telephone: (202) 205–3871 or by e-mail: *erica.shephard@ed.gov*.

If you use a TDD, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

Alternative Format: Individuals with disabilities can obtain this document and a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice.

Electronic Access to This Document: You can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister*.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html*.

Dated: January 22, 2008.

Kerri L. Briggs,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. E8–1341 Filed 1–24–08; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education; Overview Information: Native Hawaiian Education Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2008

Catalog of Federal Domestic Assistance (CFDA) Number: 84.362A.

DATES:

Applications Available: January 25, 2008.

Deadline for Transmittal of Applications: March 10, 2008.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Native Hawaiian Education program is to support innovative projects that enhance the educational services provided to Native Hawaiian children and adults. These projects may include those activities authorized under section 7205(a)(3) of the Elementary and Secondary Education Act of 1965, as amended (ESEA).

Note: A permissible activity under this competition includes the construction, renovation, or modernization of an elementary school or secondary school, or of a structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii that serves a predominately Native Hawaiian student body.

Priorities: In accordance with 34 CFR 75.105(b)(2)(iv), competitive preference priorities (1)(a) through (1)(d) are from section 7205(a)(2) of the ESEA (20 U.S.C. 7515(a)(2)). Competitive preference priority (2) is from the notice of final priorities for discretionary grant programs published in the **Federal Register** on October 11, 2006 (71 FR 60045).

Competitive Preference Priorities: For FY 2008 and any subsequent year in which we make awards based on the list of unfunded applicants from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i) we award up to an additional five points (total) to an application, depending on how well the application meets one or more of these priorities.

These priorities are:

The Secretary will give a competitive preference to applicants proposing:

(1) Projects that are designed to address one or more of the following:

(a) Beginning reading and literacy among students in kindergarten through third grade.

(b) The needs of at-risk children and youth.

(c) The needs in fields or disciplines in which Native Hawaiians are underemployed.

(d) The use of the Hawaiian language in instruction.

(2) Projects that support activities and interventions aimed at improving the academic achievement of secondary school students who are at greatest risk of not meeting challenging State academic standards and not completing high school.

Note: In order to receive additional points under a competitive preference priority, an

application should provide adequate and sufficient information that clearly substantiates its claim that it meets each priority.

Program Authority: 20 U.S.C. 7511–7517; Div. G, Title III of the Consolidated Appropriations Act, 2008 (Pub. L. 110–161).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, 82, 84, 85, 86, 97, 98, and 99. (b) The notice of final priorities for discretionary grant programs published in the **Federal Register** on October 11, 2006 (71 FR 60045).

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grant.

Estimated Available Funds: $9,683,000.

Contingent upon the availability of funds and quality of applications, we may make additional awards in FY 2009 from the list of unfunded applicants from this competition.

Estimated Range of Awards: $250,000–$950,000.

Estimated Average Size of Awards: $421,000.

Estimated Number of Awards: 23.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

III. Eligibility Information

1. *Eligible Applicants:* Native Hawaiian educational organizations; Native Hawaiian community-based organizations; public and private nonprofit organizations, agencies, and institutions with experience in developing or operating Native Hawaiian programs or programs of instruction in the Native Hawaiian language; and consortia of the previously mentioned organizations, agencies, and institutions.

2. a. *Cost Sharing or Matching:* This program does not require cost sharing or matching requirements.

b. *Supplement-Not-Supplant:* This program involves supplement-not-supplant funding requirements. Funds made available under this program may be used only to supplement and expand programs and authorities in the area of education to further the purposes of the Native Hawaiian Education program, pursuant to section 7203(3) of the ESEA.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain a copy of the application package via the Internet, or from the program office. To obtain a copy via the Internet, use either of the following addresses: *http://www.grants.gov* or *http://www.ed.gov/programs/nathawaiian/applicant.html.*

To obtain a copy from the program office, contact: Joanne Osborne, U.S. Department of Education, 400 Maryland Avenue, SW., room 3W215, Washington, DC 20202–6200. Telephone: (202) 401–1265 or by e-mail: *joanne.osborne@ed.gov* or Beth Fine, U.S. Department of Education, 400 Maryland Avenue, SW., room 3W242, Washington, DC 20202–6200. Telephone: (202) 260–1091 or by e-mail: *beth.fine@ed.gov.*

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities can obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the program persons listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Page Limit: The application narrative (Part III) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the application narrative (Part III) to no more than 25 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, except titles, headings, footnotes, quotations, references, captions, and all text in charts, tables, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The recommended page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; Part IV, the assurances and certifications; the abstract; the resumes; or the appendices. However, you must include all of the application narrative in Part III.

3. *Submission Dates and Times:*

Applications Available: January 25, 2008.

Deadline for Transmittal of Applications: March 10, 2008.

Applications for grants under this competition must be submitted electronically using the *Grants.gov* Apply site (*Grants.gov*). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact one of the persons listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This competition is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Funding Restrictions:* This program has a statutory requirement prohibiting the use of Federal funds to supplant non-Federal funds. Under 34 CFR 75.563, if a grantee decides to charge indirect costs to a program with this type of statutory requirement, the grantee must use a restricted indirect cost rate computed under 34 CFR 76.564 through 76.569. Also, under section 7205(b) of the ESEA, not more than five percent of funds provided to a grantee under this competition for any fiscal year may be used for administrative purposes. We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section in this notice.

6. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the Native Hawaiian Education program, CFDA Number 84.362A must be submitted electronically using the Governmentwide *Grants.gov* Apply site

at *http://www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the Native Hawaiian Education program at *http://www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.362, not 84.362A).

Please note the following:

- When you enter the *Grants.gov* site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by *Grants.gov* are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the *Grants.gov* system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date and time stamped by the *Grants.gov* system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from *Grants.gov,* we will notify you if we are rejecting your application because it was date and time stamped by the *Grants.gov* system after 4:30 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through *Grants.gov*
- You should review and follow the Education Submission Procedures for submitting an application through *Grants.gov* that are included in the application package for this competition to ensure that you submit your application in a timely manner to the *Grants.gov* system. You can also find the Education Submission Procedures pertaining to *Grants.gov* at *http://eGrants.ed.gov/help/GrantsgovSubmissionProcedures.pdf.*
- To submit your application via *Grants.gov*, you must complete all steps in the *Grants.gov* registration process (see *http://www.grants.gov/applicants/get_registered.jsp*). These steps include (1) registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the *Grants.gov* 3-Step Registration Guide (see *http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf).* You also must provide on your application the same D–U–N–S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to submit successfully an application via *Grants.gov.* In addition, you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. Please note that two of these forms—the SF 424 and the Department of Education Supplemental Information for SF 424—have replaced the ED 424 (Application for Federal Education Assistance).
- You must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from *Grants.gov* an automatic notification of receipt that contains a *Grants.gov* tracking number. (This notification indicates receipt by *Grants.gov* only, not receipt by the Department.) The Department then will retrieve your application from *Grants.gov* and send a second notification to you by e-mail. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through *Grants.gov*, please contact the *Grants.gov* Support Desk, toll free, at 1–800–518–4726. You must obtain a *Grants.gov* Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the *Grants.gov* system, we will grant you an extension until 4:30 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30 p.m., Washington, DC time, on the application deadline date, please contact the persons listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice and provide an explanation of the technical problem you experienced with *Grants.gov*, along with the *Grants.gov* Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the *Grants.gov* system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the *Grants.gov* system. We will not grant you an extension if you failed to fully register to submit your

application to *Grants.gov* before the application deadline date and time or if the technical problem you experienced is unrelated to the *Grants.gov* system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the *Grants.gov* system because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the *Grants.gov* system;

and

• No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Joanne Osborne, U.S. Department of Education, 400 Maryland Avenue, SW., room 3W215, Washington, DC 20202–6200. FAX: (202) 205–4921 or Beth Fine, U.S. Department of Education, 400 Maryland Avenue, SW., room 3W242, Washington, DC 20202–6200 FAX: (202) 260–8969.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.362A), 400 Maryland Avenue, SW., Washington, DC 20202–4260.

or

By mail through a commercial carrier: U.S. Department of Education, Application Control Center, Stop 4260, Attention: (CFDA Number 84.362A), 7100 Old Landover Road, Landover, MD 20785–1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.362A), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application.

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

Selection Criteria: The selection criteria for this competition are from 34 CFR 75.210 and are listed below. The maximum possible score for this competition is 105 points (100 points under the selection criteria and 5 points under the competitive preference). The maximum possible points for each criterion are as follows:

a. *Significance of Project* (5 points). In determining the significance of the proposed project, the Secretary considers the significance of the problem or issue to be addressed by the proposed project.

b. *Need for Project* (5 points). In determining the need for the proposed project, the Secretary considers the magnitude of the need for the services to be provided or the activities to be carried out by the proposed project.

c. *Quality of the Project Design* (30 points). In determining the quality of the design of the proposed project, the Secretary considers the extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs.

d. *Quality of Project Personnel* (10 points). In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. In addition, the Secretary considers one or more of the following factors:

(1) The qualifications, including relevant training and experience, of the project director or principal investigator.

(2) The qualifications, including relevant training and experience, of key project personnel.

(3) The qualifications, including relevant training and experience, of project consultants or subcontractors.

e. *Quality of the Management Plan* (20 points). In determining the quality of the management plan for the proposed project, the Secretary considers the adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

f. *Quality of the Project Evaluation* (20 points). In determining the quality of the evaluation to be conducted of the proposed project, the Secretary considers the following factors:

(1) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

(2) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(3) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

g. *Adequacy of Resources* (10 points). In determining the quality of the adequacy of resources to conduct the proposed project, the Secretary considers the following factors:

(1) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization.

(2) The extent to which the budget is adequate to support the proposed project.

(3) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section in this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section in this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *http://www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* Under the Government Performance and Results Act of 1993 (GPRA), the Department has developed three measures for evaluating the overall effectiveness of the Native Hawaiian Education program:

(1) The percentage of teachers who, through the program, participate in professional development activities that address the unique educational needs of program participants.

(2) The percentage of Native Hawaiian children who participate in early education through the program and improve on measures of school readiness and literacy.

(3) The percentage of students participating in the program who meet or exceed proficiency standards in mathematics, science, or reading.

All grantees will be expected to submit an annual performance report addressing these performance measures, to the extent that they apply to the grantee's project.

VII. Agency Contacts

FOR FURTHER INFORMATION CONTACT: Joanne Osborne, U.S. Department of Education, 400 Maryland Avenue, SW., room 3W215, Washington, DC 20202–6200. Telephone: (202) 401–1265 or by e-mail: *joanne.osborne@ed.gov* or Beth Fine, U.S. Department of Education, 400 Maryland Avenue, SW., room 3W242, Washington, DC 20202–6200. Telephone: (202) 260–1091 or by e-mail: *beth.fine@ed.gov.*

If you use a TDD, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

Alternative Format: Individuals with disabilities can obtain this document and a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the program contact persons listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice.

Electronic Access to This Document: You can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://gpoaccess.gov/nara/index.html.*

Dated: January 22, 2008.

Kerri L. Briggs,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. E8–1342 Filed 1–24–08; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings # 1

January 17, 2008.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC08–36–000.

Applicants: Consolidated Edison Development, Inc., CED/SCS Newington, LLC, Consolidated Edison Energy Massachusetts, Newington Energy, LLC, CED Rock Springs, LLC, Lakewood Cogeneration LP, Ocean Peaking Power, L.L.C., North American Energy Alliance, LLC, Allco Finance Group Limited, Industry Funds Management (Nominees) Lim.

Description: Consolidated Edison Development Inc et al submits Joint Application under Section 203 of the Federal Power Act for Authorization of Transactions and Requests for Waivers and Expedited Considerations under EC08–36.

Filed Date: 01/09/2008.

Accession Number: 20080111–0016.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 30, 2008.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER99–2369–003.

Applicants: Alliance for Cooperative Energy Services.

Description: Alliance for Cooperative Energy Services Power Marketing, LLC submits an update on its membership roster.

Filed Date: 01/14/2008.

Accession Number: 20080117–0026.

Comment Date: 5 p.m. Eastern Time on Monday, February 4, 2008.

Docket Numbers: ER01–3001–019; ER03–647–011.

Applicants: New York Independent System Operator, Inc.

Description: New York Independent System Operator, Inc. Reports on Demand Side Programs, New Generation, and the ICAP Demand Curves.

Filed Date: 01/15/2008.

Accession Number: 20080115–5050.

Comment Date: 5 p.m. Eastern Time on Tuesday, February 5, 2008.

Docket Numbers: ER05–132–002.

Applicants: Pacific Gas and Electric Company; Western Area Power Administration; U.S. Bureau of Reclamation.

Description: Pacific Gas & Electric Co submits an Offer of Settlement between all parties.

Filed Date: 12/05/2007.

Accession Number: 20071205–4011.

Comment Date: 5 p.m. Eastern Time on Monday, January 27, 2008.

Reply Comment Date: 5 p.m. Eastern Time on Monday, February 4, 2008.

Docket Numbers: ER07–466–001.

Applicants: MET MA, LLC.

Description: MET MA, LLC submits notice of a non-material change in status.

Filed Date: 01/14/2008.

Accession Number: 20080117–0027.

Comment Date: 5 p.m. Eastern Time on Monday, February 4, 2008.

Docket Numbers: ER07–521–001.

Applicants: New York Independent System Operator, Inc.

Description: Report on Implementation Plans of the New York Independent System Operator, Inc.

Filed Date: 12/20/2007.

Accession Number: 20071220–5127.

Comment Date: 5 p.m. Eastern Time on Monday, January 28, 2008.

Docket Numbers: ER07–671–005.

Applicants: Trigen-St. Louis Energy Corporation.

Description: Trigen-St Louis Energy Corp. submits a notice of non-material change in status in compliance with Order 652.

Filed Date: 01/14/2008.

Accession Number: 20080117–0028.

Comment Date: 5 p.m. Eastern Time on Monday, February 4, 2008.

Docket Numbers: ER07–1096–004.

Applicants: Niagara Mohawk Power Corporation.

Description: Electric Refund Report (Compliance Only) of Niagara Mohawk Power Corporation.

Filed Date: 01/03/2008.

Accession Number: 20080103–5059.

Comment Date: 5 p.m. Eastern Time on Thursday, January 24, 2008.

Docket Numbers: ER07–1126–005.

Applicants: Niagara Mohawk Power Corporation.

Description: Niagara Mohawk Power submits an addendum to the 11/30/07 Refund Report.

Filed Date: 01/14/2008.

Accession Number: 20080116–0072.

Comment Date: 5 p.m. Eastern Time on Monday, February 4, 2008.

Docket Numbers: ER07–1291–003; OA07–54–002.

Applicants: PacifiCorp.

Description: PacifiCorp submits a refund report in accordance with FERC's order issued on 11/30/07.

Filed Date: 01/04/2008.

Accession Number: 20080108–0038.

Comment Date: 5 p.m. Eastern Time on Friday, January 25, 2008.

Docket Numbers: ER07–1394–001.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, LLC responds to the 11/13/07 deficiency letter re the 9/21/07 filing of an executed interconnection service agreement with Ameresco Stafford LLC *et al.*

Filed Date: 01/11/2008.

Accession Number: 20080114–0409.

Comment Date: 5 p.m. Eastern Time on Friday, February 1, 2008.

Docket Numbers: ER08–64–001.

Applicants: California Independent System Operator Corporation

Description: California Independent System Operator Corp. submits their compliance filing, in compliance with FERC's 12/14/07 Order.

Filed Date: 01/15/2008.

Accession Number: 20080117–0029.

Comment Date: 5 p.m. Eastern Time on Tuesday, February 5, 2008.

Docket Numbers: ER08–80–001.

Applicants: The Detroit Edison Company.

Description: The Detroit Edison Company submits its wholesale distribution service agreement with the header and footer information required by Order 614.

Filed Date: 01/16/2008.

Accession Number: 20080117–0035.

Comment Date: 5 p.m. Eastern Time on Wednesday, February 6, 2008.

Docket Numbers: ER08–101–001.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, L.L.C. submits its response to the Commission's December 18, 2007 deficiency letter.

Filed Date: 01/16/2008.

Accession Number: 20080117–0036.

Comment Date: 5 p.m. Eastern Time on Wednesday, February 6, 2008.

Docket Numbers: ER08–191–003.

Applicants: Aquila, Inc.

Description: Aquila Inc. submits a Notice of Cancellation.

Filed Date: 01/14/2008.

Accession Number: 20080116–0071.

Comment Date: 5 p.m. Eastern Time on Monday, February 4, 2008.

Docket Numbers: ER08–250–001.

Applicants: Langdon Wind, LLC.

Description: Langdon Wind LLC submits an amendment to the market-based rate application.

Filed Date: 01/15/2008.

Accession Number: 20080117–0030.

Comment Date: 5 p.m. Eastern Time on Monday, January 28, 2008.

Docket Numbers: ER08–438–000.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection LLC submits an executed Wholesale Market Participation Agreement with WM Renewable Energy LLC *et al.*

Filed Date: 01/14/2008.

Accession Number: 20080116–0067.

Comment Date: 5 p.m. Eastern Time on Monday, February 4, 2008.

Docket Numbers: ER08–439–000.

Applicants: Southern California Edison Company.

Description: Southern California Edison Company submits Black Start Agreement between SCE and the California Independent System Operator Corporation.

Filed Date: 01/14/2008.

Accession Number: 20080116–0068.

Comment Date: 5 p.m. Eastern Time on Monday, February 4, 2008.

Docket Numbers: ER08–440–000.

Applicants: Florida Power & Light Company.

Description: Florida Power & Light Co submits a new Rate Schedule 313 Agreement for Specified Services and Treasures Coast Energy Center Parallel Operation.

Filed Date: 01/14/2008.

Accession Number: 20080116–0069.

Comment Date: 5 p.m. Eastern Time on Monday, February 4, 2008.

Docket Numbers: ER08–441–000.

Applicants: Velocity American Energy Master I, L.P.

Description: Velocity American Energy Master I LP submits its Rate Schedule 1.

Filed Date: 01/14/2008.

Accession Number: 20080116–0070.

Comment Date: 5 p.m. Eastern Time on Monday, February 4, 2008.

Docket Numbers: ER08–445–000.

Applicants: Upper Peninsula Power Company.

Description: Upper Peninsula Power Co submits notice of cancellation of their Interconnection Agreement dated 12/12/86 as amended Rate Schedule 29.

Filed Date: 01/15/2008.

Accession Number: 20080117–0039.

Comment Date: 5 p.m. Eastern Time on Tuesday, February 5, 2008.

Docket Numbers: ER08–446–000.

Applicants: Kelson Energy III LLC.

Description: Kelson Energy III, LLC submits its application for an order accepting rates for filing and for certain waivers and blanket approvals, FERC Electric Tariff, Original Volume 1 etc.

Filed Date: 01/14/2008.

Accession Number: 20080117–0040.

Comment Date: 5 p.m. Eastern Time on Monday, February 4, 2008.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E8–1307 Filed 1–24–08; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–RCRA–2007–1116, FRL–8520–9]

Agency Information Collection Activities; Proposed Collection; Comment Request; Facility Ground-Water Monitoring Requirements; EPA ICR No. 0959.13; OMB Control No. 2050–0033

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request to renew an existing approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). This ICR is scheduled to expire on May 31, 2008. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before March 25, 2008.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–RCRA–2007–1116, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: rcra-docket@epa.gov.*
- *Fax:* 202–566–9744.
- *Mail:* RCRA Docket (5305T), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.
- *Hand Delivery:* 1301 Constitution Ave., NW., Room 3334, Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–RCRA–2007–1116. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

FOR FURTHER INFORMATION CONTACT: William Schoenborn, Office of Solid Waste, (mail code 5303P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 703–308–8483; fax number: 703–308–8617; e-mail address: *schoenborn.william@epa.gov.*

SUPPLEMENTARY INFORMATION:

How Can I Access the Docket and/or Submit Comments?

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–RCRA–2007–1116, which is available for online viewing at *www.regulations.gov*, or in person viewing at the RCRA Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202–566–1744, and the telephone number for RCRA Docket is (202) 566–0270.

Use *www.regulations.gov* to obtain a copy of the draft collection of

information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the docket ID number identified in this document.

What Information Is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

What Should I Consider When I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Offer alternative ways to improve the collection activity.

6. Make sure to submit your comments by the deadline identified under DATES.

7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

What Information Collection Activity or ICR Does This Apply to?

Affected entities: Entities potentially affected by this action are business or other for-profit.

Title: Facility Ground-Water Monitoring Requirements

ICR numbers: EPA ICR No. 0959.13, OMB Control No. 2050–0033.

ICR status: This ICR is currently scheduled to expire on May 31, 2008. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: This ICR examines the groundwater monitoring standards for permitted and interim status facilities at 40 CFR Parts 264 and 265, as specified. The groundwater monitoring requirements for regulated units follow a tiered approach whereby releases of hazardous contaminants are first detected (detection monitoring), then confirmed (compliance monitoring), and if necessary, are required to be cleaned up (corrective action). Each of these tiers requires collection and analysis of groundwater samples. Owners or operators that conduct groundwater monitoring are required to report information to the oversight agencies on releases of contaminants and to maintain records of groundwater monitoring data at their facilities. The goal of the groundwater monitoring program is to prevent and quickly detect releases of hazardous contaminants to groundwater, and to establish a program whereby any contamination is expeditiously cleaned up as necessary to protect human health and environment. Subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA) creates a comprehensive program for the safe management of hazardous waste. Section 3004 of RCRA requires owners and operators of facilities that treat, store, or dispose of hazardous waste to comply with standards established by EPA that are to protect the environment. Section 3005 provides for implementation of these standards under permits issued to owners and operators by EPA or authorized States. Section 3005 also allows owners and operators of facilities in existence when the regulations came into effect to comply with applicable notice requirements to operate until a permit is issued or denied. This statutory authorization to operate prior to permit determination is commonly known as ''interim status.'' Owners and operators of interim status facilities also must comply with standards set under Section 3004.

Burden Statement: EPA estimates that permitted facilities will incur an average reporting burden of about 10 hours per year, which includes time for developing and submitting notifications, reports, and demonstrations. They will also incur a recordkeeping burden of about 130 hours per year, which includes time for reading the regulations, implementing a groundwater monitoring system, performing and keeping records of groundwater monitoring, and maintaining records. These estimates represent the average reporting and recordkeeping burdens placed on permitted facilities for detection monitoring, compliance monitoring, or corrective action.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

Estimated total number of potential respondents: 824

Frequency of response: Quarterly.

Estimated total average number of responses for each respondent: one.

Estimated total annual burden hours: 95,197.

Estimated total annual costs: $23,245,000. This includes an estimated burden cost of $5,943,000 for labor and an estimated cost of $17,302,000 for capital investment and maintenance and operational costs.

What is the Next Step in the Process for This ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: January 4, 2008.

Matthew Hale,

Director, Office of Solid Waste.

[FR Doc. E8–1312 Filed 1–24–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2006–0771, FRL–8521–2]

Agency Information Collection Activities: Proposed Collection; Comment Request; Coalbed Methane Extraction Sector Questionnaire (New), EPA ICR Number 2291.01, OMB Control No. 2040–NEW

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB). This is a request for a new collection. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before March 25, 2008.

ADDRESSES: Submit your comments, data and information for the Coalbed Methane Extraction Sector Questionnaire, Attention Docket ID No. EPA–HQ–OW–2006–0771, by one of the following methods:

(1) *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

(2) *E-mail: OW-Docket@epa.gov*, Attention Docket ID No. EPA–HQ–OW–2006–0771.

(3) *Mail:* Water Docket, Environmental Protection Agency, Mailcode: 4203M, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. EPA–HQ–OW–2006–0771. Please include a total of 3 copies.

(4) *Hand Delivery:* Water Docket, EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC, Attention Docket ID No. EPA–HQ–OW–2006–0771. Such deliveries are only accepted during the Docket's normal hours of operation and special arrangements should be made.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OW–2006–0771. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information through regulations.gov or e-mail that you consider to be CBI or otherwise protected. The federal regulations.gov website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the index at *http://www.regulations.gov.* Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically at *http://www.regulations.gov* or in hard copy at the Water Docket in the EPA Docket Center, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Water Docket is (202) 566–2426.

FOR FURTHER INFORMATION CONTACT: Mr. Carey A. Johnston at (202) 566–1014 or *johnston.carey@epa.gov.*

SUPPLEMENTARY INFORMATION:

What Information is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Select appropriate entities to receive the questionnaire in terms of what units (e.g., well, operator) should be surveyed; how many should be surveyed; and the criteria used to select them;

(iv) Enhance the quality, utility, and clarity of the information to be collected; and

(v) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

What Should I Consider When I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Offer alternative ways to improve the collection activity.

6. Make sure to submit your comments by the deadline identified under **DATES**.

7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

What Information Collection Activity or ICR Does This Apply to?

Affected Entities: Entities potentially affected by this action are operators of coalbed methane extraction activities.

Title: Coalbed Methane Extraction Sector Questionnaire (New).

ICR Numbers: EPA ICR No. 2291.01, OMB Control No. 2040–NEW.

ICR Status: This ICR is for a new information collection activity. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR Part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR Part 9.

Abstract: The Clean Water Act (CWA) directs EPA to develop regulations, called effluent guidelines, to limit the amount of pollutants that are discharged to surface waters or to sewage treatment plants. Coalbed methane (CBM) extraction activities accounted for about 10 percent of the total U.S. natural gas production in 2004 and are expanding in multiple basin across the U.S. EPA's effluent guidelines do not currently regulate pollutant discharges from CBM extraction operations.

CBM extraction requires removal of large amounts of water from underground coal seams before CBM can be released. CBM wells have a distinctive production cycle characterized by an early stage when large amounts of water are produced to reduce reservoir pressure which in turn encourages release of gas; a stable stage when quantities of produced gas increase as the quantities of produced water decrease; and a late stage when the amount of gas produced declines and water production remains low. Pollutants often found in these wastewaters include chloride, sodium, sulfate, bicarbonate, fluoride, iron, barium, magnesium, ammonia, and arsenic.

EPA identified the CBM sector as a candidate for a detailed study in the final 2006 Effluent Guidelines Program Plan (71 FR 76656; December 21, 2006) and also identified that it would develop an industry questionnaire to support this detailed study and would seek OMB approval under the Paperwork Reduction Act (PRA). EPA is conducting this review to determine if it would be appropriate to conduct a rulemaking to revise the effluent guidelines for the Oil and Gas Extraction Point Source Category (40 CFR 435) to control pollutants discharged in CBM produced water. EPA also noticed it will conduct an ICR in the preliminary 2008 Plan (72 FR 61343; October 30, 2007). For each industrial sector, EPA's planning process considers four factors: Pollutants discharged, current and potential pollution prevention and control technology options, growth and economic affordability, and implementation and efficiency considerations of revising existing effluent guidelines or publishing new effluent guidelines. EPA will use this ICR to collect technical and economic information from a wide range of CBM operations to address these factors in greater detail than previously (e.g., geographical and geologic differences in the characteristics of CBM produced waters, environmental data, current regulatory controls, availability and affordability of treatment technology options). See final 2006 Plan (71 FR 76666). Response to the questionnaire is mandatory for recipients and EPA will administer the questionnaire using its authority under section 308 of the CWA, 33 U.S.C. 1318.

In 2007, EPA worked with a range of stakeholders (e.g., industry representatives; Federal, State, and Tribal representatives; public interest groups and landowners; and water treatment experts) to obtain the best available information on the industry and its CBM produced water management practices. EPA developed its outreach sequentially starting with teleconferences and continued afterwards with a series of meetings and site visits in the major CBM basins. In total EPA contacted over 700 people in eight states during the 63 outreach and data collection activities in 2007 and early 2008 (e.g., meetings, teleconferences, site visits). See DCN 05354. This outreach helped facilitate the development of the draft ICR as EPA incorporated data, comments, and suggestions from industry and other stakeholders into the questionnaire design prior to this **Federal Register** notice.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 163 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to, or for, a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The EPA burden estimate is based on the number of entities receiving the questionnaire. To reduce the questionnaire burden, EPA intends to select a statistical random sample of entities within the CBM industry. The resulting sample will minimize both the burden to respondents in completing the questionnaire and to the Agency in managing and effectively utilizing the data and information supplied by respondents.

EPA is soliciting comments on its assumptions for the burden estimate and its approach to selecting entities for the questionnaire. EPA is primarily interested in collecting information from ''projects'' but has used state data on CBM wells for developing the burden estimates. For purposes of the data collection, EPA is defining a CBM project to be comprised of a well, group of wells, lease, group of leases, or recognized unit operated as an economic unit when making production decisions. (EPA recognizes that industry has multiple definitions for the term ''project.'') One reason that EPA is most interested in economic and technical data at the project-level, in addition to well specific data, is because EPA has observed that most projects handle the produced water in a single water management system. EPA also is interested in information about the operator of each project. The operator is the firm or division (if a profit center) that is responsible for management and the day-to-day operation of a project. This operator is generally a working-interest owner or a company under contract to the working interest

owner(s). The working-interest owner bears the costs of exploration, development, and operation of the property and, in return, is entitled to a share of the mineral production from the property or to a share of the proceeds there from.

Although EPA's primary interest is about projects and operators, this notice assumes that wells are the ''entities'' because complete lists of wells are readily available. Complete lists are essential in statistically selecting random samples of populations. EPA considers its current list of wells to be relatively complete. It has used licensed database information on historic well production from HPDI, Inc. HPDI, Inc. compiles information from nearly all of the oil and gas producing states and provides detailed data in a consistent format to clients accessed through a Web-based query system. This information includes well identification information (such as API number, lease name and number, well name and number, operator name, location, basin designation, field, and reservoir/producing formation), historic production information (including summary information on first production, last production, cumulative production, and last 12 months production as well as detailed information on year-by-year production), status information (active/inactive), and operator contact information (where available). EPA has supplemented this information with information publicly available from States. From these sources, EPA estimates that approximately 400 operators maintain over 43,000 wells that were active CBM producers in the U.S. as of mid-2007.

In estimating the burden, EPA has assumed that each operator would answer certain questions only once, regardless of the number of its wells in the sample. For purposes of estimating the burden, EPA also assumed that each well is equivalent to a single project; however, operators will only be required to respond to the project-level questions once per project, regardless of the number of wells selected from the project. EPA's burden estimate assumes that the statistical selection of the wells will result in approximately 400 operators to be selected. EPA further estimates that the operators will be required to provide information for approximately 2,000 projects.

EPA solicits comments and supporting information that would allow it to evaluate alternative methods of selecting the random sample that will reduce the overall burden. First, EPA solicits information about publicly available data sources that would permit EPA to assign wells to individual projects so that it could select fewer entities.

Second, EPA solicits comments on approaches to obtaining project information from non-public sources. For example, one approach might be for EPA to conduct a two-phase questionnaire that would require all operators to complete a short questionnaire (''screener'') that identifies all of the projects and links the wells to each project ID. After receiving the results, EPA would statistically select a random sample of projects to receive a detailed questionnaire. In order to use this approach, EPA would require operators to return the completed screeners within a short period of time (e.g., 30 days), thereby lengthening the study schedule by a minimum of three months (assuming it takes EPA a month to process the completed screener results and another month to draw a representative sample and distribute the detailed questionnaire). EPA solicits comments on the two-phase approach and whether the assignment of all wells to projects is relatively easy for operators. EPA also solicits comment on other approaches that would provide information to assign wells to projects.

Third, EPA solicits comments on ways to reduce the burden to operators with many wells and still collect information in a manner that will allow for appropriate statistical inferences to be drawn from responses. Under the current assumptions, large operators may be required to respond for many wells, thus resulting in a relatively large burden for them. EPA also is concerned that it would be collecting more information than necessary to characterize practices by the operator. To reduce burden, one approach might be for operators to select the wells using criteria specified by EPA. EPA is interested in comments about the appropriate number of wells and selection criteria.

Fourth, EPA solicits comments on stratification variables to use in selecting the random sample. Existing information about the industry can be used to improve the questionnaire design and the precision estimates. One common technique is to use publicly available information to group similar entities together into mutually exclusive strata. Then, by selecting entities from each stratum to participate in the questionnaire, it ensures that the sample will include entities that have the various characteristics that are represented by the different strata. However, increasing the number of stratification variables also increases the number of entities selected and the overall burden. EPA is considering stratifying by basin, state, and operator size (e.g., small, large). Incorporating each additional variable in a statistical design will provide more information about the industry; however, more entities must be selected to provide statistically representative results. EPA solicits comments on whether all variables (e.g., basin, state, operator size as defined by total CBM production) are necessary and whether it also should consider other variables (e.g., type of coal seams and geology, maturity of CBM projects as defined by start date).

Fifth, EPA solicits comments on the extent to which the sample design should consider location of the CBM projects within a basin. EPA recognizes that location of the CBM project may result in wells being operated differently within each basin due to different produced water characteristics, geology, and available management options. EPA also recognizes that state requirements can impact the well operations and finances. EPA current statistical design selects wells at random within each basin, and can be easily modified to select wells within states. Because stratification is intended to distinguish between large groups, and thus, may not be the best statistical choice to distinguish between geographic locations, EPA also is researching an area-based design that uses location clusters of wells formed within the known basins, as well as within states. EPA then would randomly select clusters of wells. For each selected location cluster, EPA would require that the operators of the wells to provide information about all of their projects that fall within the cluster. Cluster sampling generally results in a higher burden because more entities must be selected (initial estimates range from 1.4 to ten times more), however, it will allow for more geographic and geologic representation. EPA solicits comments on the extent that basins and states should be considered within the statistical design. EPA further solicits comments on the extent to which statistical design should consider other geographic and geology features.

Sixth, since the industry is constantly adding new wells, EPA's questionnaire needs to incorporate industry changes between the time the data were collected and end of the study. This may require additional entities to be selected for the questionnaire. EPA solicits comments on the extent to which industry growth should be considered in selecting the entities for the questionnaire.

Finally, EPA will also use the questionnaire to collect data to evaluate potential impacts to small businesses that might occur due to alternative produced water management options. To minimize burden, the only information requested at the ultimate parent company level, if different from the level at which detailed financial information is provided, is employment and revenue data. EPA solicits comment on alternative survey questions to collect data for EPA's small business analyses.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

Estimated total number of potential respondents: 400.

Frequency of response: One-time.

Estimated total average number of responses for each respondent: One.

Estimated total annual burden hours: 65,100 hours.

Estimated total annual costs: $2,839,000. This includes an estimated burden cost of $2,815,000 and an estimated cost of $24,000 for operational costs (photocopying and postage).

What is the Next Step in the Process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: January 17, 2008.

Ephraim S. King,

Director, Office of Science and Technology.

[FR Doc. E8–1344 Filed 1–24–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[Docket# EPA–RO4–SFUND–2008–0001; FRL–8521–1]

Dixie Barrel Drum Superfund Site; Knoxville, Knox County, TN; Notice of Settlements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Settlements.

SUMMARY: Under section 122(h)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency has entered into two settlements for reimbursement of past response costs concerning the Dixie Barrel Drum Superfund Site located in Knoxville, Knox County, Tennessee for publication.

DATES: The Agency will consider public comments on the settlements until February 25, 2008. The Agency will consider all comments received and may modify or withdraw its consent to the settlements if comments received disclose facts or considerations which indicate that the settlements are inappropriate, improper, or inadequate.

ADDRESSES: Copies of the settlements are available from Ms. Paula V. Batchelor. Submit your comments, identified by Docket ID No. EPA–RO4–SFUND–2008–0001 or Site name Dixie Barrel Drum Superfund Site by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: Batchelor.Paula@epa.gov.*
- *Fax:* 404/562–8842/Attn Paula V. Batchelor.
- *Mail:* Ms. Paula V. Batchelor, U.S. EPA Region 4, SD–SEIMB, 61 Forsyth Street, SW., Atlanta, Georgia 30303. ''In addition, please mail a copy of your comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attn: Desk Officer for EPA, 725 17th St., NW., Washington, DC 20503.'' *Instructions:* Direct your comments to Docket ID No. [EPA–R04–SFUND–2008–0001]. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm*

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the U.S. EPA Region 4 office located at 61 Forsyth Street, SW., Atlanta, Georgia 30303. Regional office is open from 7 am until 6:30 pm. Monday through Friday, excluding legal holidays.

Written comments may be submitted to Ms. Batchelor within 30 calendar days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: Paula V. Batchelor at 404/562–8887.

Dated: January 3, 2008.

Melissa D. Waters,

Acting Chief, Superfund Enforcement & Information Management Branch, Superfund Division.

[FR Doc. E8–1349 Filed 1–24–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–-FRL–6695–4]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202–564–7167. An explanation of the ratings assigned to draft environmental

impact statements (EISs) was published in FR dated April 6, 2007 (72 FR 17156).

Draft EISs

EIS No. 20070332, ERP NO. D–BLM–L65541–OR, Western Oregon Bureau of Land Management Districts of Salem, Eugene, Roseburg, Coos Bay, and Medford Districts, and the Klamath Falls Resource Area of the Lakeview District, Revision of the Resource Management Plans, Implementation, OR.

Summary: EPA expressed environmental objections because of potential long-term impacts to water quality and further exceedances of water quality standards in impaired water bodies under Alternatives 2 or 3. In addition, EPA suggests modifications to reduce significant impacts to drinking water and aquatic species, and believes that direct, indirect and cumulative impacts would affect waters on both BLM and non-BLM lands. Rating EO2.

EIS No. 20070362, ERP No. D–FRC–L03013–00, Bradwood Landing Project, Liquified Natural Gas Import Terminal and Natural Gas Pipeline Facilities, Construction and Operation, U.S. Army COE Section 10 and 404 Permits, Clatsop County, OR and Cowlitz County, WA.

Summary: EPA expressed environmental concerns about potential environmental impacts, including impacts to wetlands and air quality. EPA also commented on the alternatives analysis and recommended that additional information about interrelated projects be provided. Rating EC2.

EIS No. 20070420, ERP No. D–SFW–K99038–CA, Agua Caliente Tribal Habitat Conservation Plan (THCP), Application for an Incidental Take Permit for 24 Covered Species, Coachella Valley, Riverside County, CA.

Summary: EPA expressed environmental concerns because the most environmentally protective alternative was formulated with unmitigatable impacts to Tribal sovereignty and was therefore rejected. EPA recommends that the Service and the Tribe create an alternative that promotes a greater conservation goal while honoring Tribal sovereignty. EPA also recommends smart growth conservation measures be included for areas to be developed. Rating EC2.

EIS No. 20070447, ERP No. D–FHW–K40266–CA, Marin-Sonoma Narrows (MSN) HOV Widening Project, Propose to Relieve Recurrent Congestion along U.S. 101 south of the Route 37 Interchange in the City of Novato (Marin County) and ends north of the Corona Road Overcrossing in the City of Petaluma (Sonoma County), Marin and Sonoma Counties, CA.

Summary: EPA expressed concern about wetland impacts, and requested that CalTrans choose an option that will minimize wetland impacts. Rating EC1.

EIS No. 20070455, ERP No. D–SFW–K99039–CA, Coyote Spring Investment Multispecies Conservation Plan, Issuing a 40-year Incidental Take Permit for Five Species, Clark and Lincoln Counties, CA.

Summary: EPA expressed environmental objections because of potentially significant impacts to waters of the U.S. and insufficient alternatives analysis. EPA also expressed concerns about insufficient analysis for groundwater cumulative impacts, traffic-related air quality impacts, biological resources, and population growth. Rating EO2.

EIS No. 20070480, ERP No. D–AFS–J65499–UT, Pockets Resource Management Project, Proposes to Salvage Dead and Dying Spruce/Fir, Regenerate Aspen, and Manage Travel, Escalate Ranger District, Dixie National Forest, Garfield County, UT.

Summary: EPA expressed environmental concerns about impacts to water quality from activities associated with roads and water crossings for vegetation treatments, and requested the final EIS further discuss road management decisions, and road inspection, evaluation and enforcement activities. Rating EC2.

EIS No. 20070496, ERP No. D–FRC–G03036–00, Fayetteville/Greenville Expansion Project, Construction and Operation of the Natural Gas Pipeline Facilities in Arkansas and Mississippi.

Summary: EPA expressed environmental concerns and requested that the Final EIS provide additional information concerning environmental justice, wetland impacts and mitigation, and air quality impacts. Rating EC2.

EIS No. 20070503, ERP No. D–AFS–L65544–AK, Navy Timber Sale Project, To Address the Potential Effects of Timber Harvesting on Etolin Island, Wrangell Ranger District, Tongass National Forest, AK.

Summary: EPA expressed environmental concerns about the potential for water quality impacts, particularly in the Anita Creek, Quiet Creek, and Kindergarten Lake watersheds, as well as destruction of relatively high amounts of Productive Old Growth (POG) habitat. Rating EC2.

EIS No. 20070481, ERP No. DS–COE–E67005–NC, PCS Phosphate Mine Continuation, New Information on Additional Alternative ''L'' and ''M'', Proposes to Expand its Existing Open Pit Phosphate Mining Operation into a 3,412 Acre Tract, Pamlico River and South Creek, near Aurora, Beaufort County, NC.

Summary: EPA continues to express environmental objections to the applicant's preferred alternative due to the significant wetland resource impacts. Rating EO2.

Final EISs

EIS No. 20070449, ERP No. F–BLM–L67046–ID, Smoky Canyon Mine Panels F & G, Proposed Mine Expansion, Caribou County, ID.

Summary: EPA continues to express environmental objections because of the potential for adverse effects to groundwater and surface water in the project area from release of Se from the proposed expansion.

EIS No. 20070456, ERP No. F–DOE–D09800–PA, Gilberton Coal-to-Clean Fuels and Power Project, Construction and Operation a New Demonstration Plant, Preferred Alternative Selected, Schuylkill County, PA.

Summary: EPA expressed environmental concerns because the proposed project would cause an increase in CO_2 emissions over conventional coal-fired power plants.

EIS No. 20070472, ERP No. F–DOE–D09801–WV, Western Greenbrier Co-Production Demonstration Project, Construction and Demonstration of a 98 megawatt (MWe) Net Power Plant and Ash Byproduct Manufacturing Facility, Rainelle, WV.

Summary: EPA's previous issues have been resolved; therefore, EPA does not object to the proposed action.

EIS No. 20070499, ERP No. F–FRC–L05238–00, Klamath Hydroelectric Project, Continued Operations for Hydropower License FERC No. 2082–27, Klamath River, Klamath County, OR and Siskiyou County, CA.

Summary: EPA recommended that additional monitoring and adaptive management measures be incorporated into the Record of Decision. EPA also recommended that additional analyses be performed prior to initiation of Clean Water Act Section 401 certification process.

EIS No. 20070500, ERP No. F–COE–K35044–CA, Berth 136–147 [TraPac] Container Terminal Project, Upgrade Existing Wharf Facilities, Install a Buffer Area between the Terminal and Community, U.S. Army COE Section

10 and 404 Permit, West Basin Portion of the Port of Los Angeles, CA.

Summary: EPA continues to have environmental concerns about air quality and wetland impacts, and recommended air quality mitigation measures and the selection of the no-fill alternative.

EIS No. 20070511, ERP No. F–BLM–L65524–AK, Bay Resource Management Plan, Implementation, Located within the Bristol Bay and Goodnews Bay Areas, AK.

Summary: The final EIS addressed EPA's concerns about cumulative impacts and developing a monitoring plan. However, EPA continues to have concerns about impacts to resources after lease expiration, and lack of information specific to tribal consultation in the planning area, in accordance with Executive Order 13075.

EIS No. 20070513, ERP No. F–FHW–G40173–TX, Grand Parkway/TX–99 Segment E Improvement Project, IH–10 to U.S. 290, Funding, Right-of-Way Grant and U.S. Army COE Section 404 Permit Issuance, Harris County, TX.

Summary: No formal comment letter was sent to the preparing agency.

EIS No. 20070535, ERP No. F–AFS–K65295–CA, Horse Heli Project, Harvest Merchantable Timber, Thin Stands, Treat Fuels, and Conduct Associated Activities, Klamath National Forest, Oak Knoll Ranger District, Siskiyou County, CA.

Summary: No formal comment letter was sent to the preparing agency.

EIS No. 20070548, ERP No. F–NPS–J65463–CO, Rocky Mountain National Park, Elk and Vegetation Management Plan, Implementation, Grand and Larimer Counties, CO.

Summary: No formal comment letter was sent to the preparing agency.

EIS No. 20070554, ERP No. F–FRC–J03019–CO, High Plains Expansion Project, (Docket No. CP07–207–000) Natural Gas Pipeline Facility, Construction and Operation, U.S. Army COE 404, Weld, Adams, and Morgan Counties, CO.

Summary: No formal comment letter was sent to the preparing agency.

EIS No. 20080003, ERP No. F–AFS–L65540–WA, Old Curlew Ranger Station Facilities Disposal Project, Proposal to Sell 3–Acre Parcel Including Buildings, Republic Ranger District, Colville National Forest, South Side of Curlew, Ferry County, WA.

Summary: No formal comment letter was sent to the preparing agency.

EIS No. 20070487, ERP No. FA–COE–E39051–FL, Lake Okeechobee Regulation Schedule Study, New Updated Information, Evaluation of Three New Alternatives on Operational Changes to the Current Water Control Plan, Lake Okeechobee and the Everglades Agricultural Area, Lake Okeechobee, Glades, Okeechobee Hendry, Palm Beach and Martin Counties, FL.

Summary: EPA continues to have environmental concerns about impacts on the lower river and estuaries from Lake Okeechobee flow releases.

Dated: January 22, 2008.

Robert W. Hargrove,

Director, NEPA, Compliance Division, Office of Federal Activities.

[FR Doc. E8–1310 Filed 1–24–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6695–3]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 or *http://www.epa.gov/compliance/nepa/.*

Weekly receipt of Environmental Impact Statements.

Filed 01/14/2008 through 01/18/2008.

Pursuant to 40 CFR 1506.9.

EIS No. 20080021, Draft EIS, SFW, AK, Yukon Flats National Wildlife Refuge Project, Proposed Federal and Public Land Exchange, Right-of-Way Grant, Anchorage, AK, *Comment Period Ends:* 03/10/2008, *Contact:* Cyndie Wolfe 907–786–3463.

EIS No. 20080022, Final EIS, NOA, AK, Alaska Eskimo Whaling Commission for a Subsistence Hunt on Bowhead Whale for the Years 2008 through 2012 for Issuing Annual Quotas, Proposes to Authorize Subsistence Harvests of the Western Arctic Stock of Bowhead Whales, Bering, Chukchi and Beaufort Seas, AK, *Wait Period Ends:* 02/25/2008, *Contact:* Steve K. Davis 907–271–3523.

EIS No. 20080023, Final EIS, NOA, 00, Snapper Grouper Fishery Amendment 15A, Proposes Management Reference Points and Rebuilding Plans for Snowy Grouper, Black Sea Bass and Red Porgy, South Atlantic Region, *Wait Period Ends:* 02/25/2008, *Contact:* Dr. Roy E. Crabtree 727–824–5301.

EIS No. 20080024, Final EIS, AFS, ID, Frank Church—River of No Return Wilderness (FC–RONRW), Noxious Weed Treatments, Updated Information to Supplement the 1999 Final EIS for FC–RONRW, Implementation, Bitterroot, Boise, Nez Perce, Payette and Salmon-Challis National Forests, ID, *Wait Period Ends:* 02/25/2008, *Contact:* Howard Lyman 208–839–2211.

EIS No. 20080025, Draft EIS, FAA, TX, Northwest Corridor Light Rail Transit Line (LRT) to Irving/Dallas/Fort Worth International Airport, Construction, Dallas County, TX, *Comment Period Ends:* 03/10/2008, *Contact:* A.J. Ossi 202–366–1613.

EIS No. 20080026, Final EIS, NRC, MD, License Renewal of the National Bureau of Standards Reactor (NBSR), Renew the Operating License for an Additional 20 Years, National Institute of Standards and Technology (NIST), NUREG–1873, Montgomery County, MD, *Wait Period Ends:* 02/25/2008, *Contact:* Dennis Beissel 301–415–2145.

EIS No. 20080027, Final EIS, NRC, NY, GENERIC—James A. FitzPatrick Nuclear Power Plant, License Renewal of Nuclear Plant, Site Specific Supplement 31 to NUREG–1437, Town of Sriba, NY, *Wait Period Ends:* 02/25/2008, *Contact:* Jessie M. Muir 301–415–0491.

Dated: January 22, 2008.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E8–1314 Filed 1–24–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2007–0942; FRL–8521–9]

Human Studies Review Board (HSRB); Notification of a Public Teleconference To Review Its Draft Report from the October 24–26, 2007 HSRB Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA Human Studies Review Board (HSRB) announces a public teleconference meeting to discuss its draft HSRB report from the October 24–26, 2007 HSRB meeting.

DATES: The teleconference will be held on February 11, 2008, from 2 to approximately 5 p.m. (Eastern Time).

Location: The meeting will take place via telephone only.

Meeting Access: For information on access or services for individuals with disabilities, please contact the person listed under **FOR FURTHER INFORMATION**

CONTACT, so that appropriate arrangements can be made.

Procedures for Providing Public Input: Interested members of the public may submit relevant written or oral comments for the HSRB to consider during the advisory process. Additional information concerning submission of relevant written or oral comments is provided in Unit I.D. of this notice.

ADDRESSES: Submit your written comments, identified by Docket ID No. EPA–HQ–ORD–2007–0942, by any of the following methods:

Internet: http://www.regulations.gov: Follow the on-line instructions for submitting comments.

E-mail: ORD.Docket@epa.gov.

USPS Mail: ORD Docket, Environmental Protection Agency, Mailcode: 28221T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

Hand or Courier Delivery: EPA Docket Center (EPA/DC), Public Reading Room, Infoterra Room (Room Number 3334), EPA West Building, 1301 Constitution Avenue, NW., Washington, DC 20460, Attention Docket ID No. EPA–ORD–2007–0942. Deliveries are only accepted from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–ORD–2007–0942. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information through *http://www.regulations.gov* or e-mail that you consider to be CBI or otherwise protected. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. By contrast, if you send an e-mail comment directly to EPA, without going through *http://www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

FOR FURTHER INFORMATION CONTACT: Members of the public who wish to obtain the call-in number and access code to participate in the telephone conference, request a current draft copy of the Board's report or who wish further information may contact Lu-Ann Kleibacker, EPA, Office of the Science Advisor, (8105R), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone (202) 564–7189 or via e-mail at *kleibacker.lu-ann@epa.gov.* General information concerning the EPA HSRB can be found on the EPA Web site at *http://www.epa.gov/osa/hsrb/.*

I. General Information

A. Does This Action Apply to Me?

This action is directed to the public in general. This action may, however, be of particular interest to persons who conduct or assess human studies, especially studies on substances regulated by EPA and to persons who may sponsor or conduct research with human subjects with the intention to submit it to EPA for consideration under the Federal Food, Drug, and Cosmetic Act (FFDCA) or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) or section 408 of the Federal Food, Drug and Cosmetic Act (FFDCA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Access Electronic Copies of This Document and Other Related Information?

You may access this **Federal Register** document electronically through *http://www.regulations.gov* or through the EPA Web site under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*

Docket: All documents in the docket are listed in the index under the docket number. Even though it will be listed by title in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Copyright material, will be publicly available only in hard copy. Publicly available docket materials are available either through electronically in *http://www.regulations.gov* or in hard copy at the ORD Docket, EPA/DC, Public Reading Room, Infoterra Room (Room Number 3334), EPA West Building, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the ORD Docket is (202) 566–1752.

C. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. Provide specific examples to illustrate your concerns and suggest alternatives.

5. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

D. How May I Participate in This Meeting?

You may participate in this meeting by following the instructions in this section. To ensure proper receipt by EPA, it is imperative that you identify docket ID number EPA–HQ–ORD–2007–0942 in the subject line on the first page of your request.

1. *Oral comments.* Requests to present oral comments will be accepted up to February 4, 2008. To the extent that time permits, interested persons who have not pre-registered may be permitted by the Chair of the HSRB to present oral comments at the meeting. Each individual or group wishing to make brief oral comments to the HSRB is strongly advised to submit their request (preferably via email) to the person listed under **FOR FURTHER INFORMATION CONTACT** no later than noon, eastern time, February 4, 2008, in order to be included on the meeting agenda and to provide sufficient time for the HSRB Chair and HSRB DFO to review the meeting agenda to provide an appropriate public comment period. The request should identify the name of the individual making the presentation and the organization (if any) the individual will represent. Oral comments before the HSRB are limited to 5 minutes per individual or

organization. Please note that this includes all individuals appearing either as part of, or on behalf of an organization. While it is our intent to hear a full range of oral comments on the science and ethics issues under discussion, it is not our intent to permit organizations to expand these time limitations by having numerous individuals sign up separately to speak on their behalf. If additional time is available, there may be flexibility in time for public comments.

2. *Written comments.* Although you may submit written comments at any time, for the HSRB to have the best opportunity to review and consider your comments as it deliberates on its report, you should submit your comments at least 5 business days prior to the beginning of this teleconference. If you submit comments after this date, those comments will be provided to the Board members, but you should recognize that the Board members may not have adequate time to consider those comments prior to making a decision. Thus, if you plan to submit written comments, the Agency strongly encourages you to submit such comments no later than noon, Eastern Time, February 4, 2008. You should submit your comments using the instructions described earlier in this notice. In addition, the Agency also requests that person(s) submitting comments directly to the docket also provide a copy of their comments to the person listed under **FOR FURTHER INFORMATION CONTACT**. There is no limit on the length of written comments for consideration by the HSRB.

E. Background

The EPA Human Studies Review Board will be reviewing its draft report from the October 24–26, 2007 HSRB meeting. The Board may also discuss planning for future HSRB meetings. Background on the October 24–26, 2007 HSRB meeting can be found at **Federal Register** 72 17, 54908 (September 27, 2007) and at the HSRB Web site *http://www.epa.gov/osa/hsrb/.* The October 24–26, 2007 HSRB meeting draft report is now available. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the regulations.gov Web site and the HSRB Internet Home Page at *http://www.epa.gov/osa/hsrb/.* For questions on document availability or if you do not have access to the Internet, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: January 17, 2008.

George Gray,

EPA Science Advisor.

[FR Doc. E8–1327 Filed 1–24–08; 8:45 am]

BILLING CODE 6560–50–P

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

National Science and Technology Council; Research Business Models Subcommittee of the Committee on Science

ACTION: Final Notice of Standard Terms and Conditions for Research Grants.

SUMMARY: Effective with publication of this Notice in the **Federal Register**, research agencies will be able to utilize a new standard core set of administrative terms and conditions on research and research-related awards that are subject to OMB Circular A–110, ''Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations'' (2 CFR part 215).

This resulted from an initiative of the Research Business Models (RBM) Subcommittee of the Committee on Science (CoS), a committee of the National Science and Technology Council (NSTC). One of the RBM Subcommittee's priority areas is to create greater consistency in the administration of Federal research awards. Given the increasing complexity of interdisciplinary and interagency research, it has become increasingly important for Federal agencies to manage awards in a similar fashion.

In 2000, the Federal Demonstration Partnership (FDP), a cooperative initiative among 10 Federal agencies and 98 institutional recipients of research funds, developed Standard Terms and Conditions as a model implementation of OMB Circular A–110. It was demonstrated that these terms were an effective set of requirements for many agency research awards. In 2005, following public and agency comment on the original FDP terms, final standard terms and conditions were developed by RBM.

With this final notice, research agencies and awarding offices that participate in the FDP, must use the core set of administrative requirements, to the maximum practicable extent, in research and research-related grant awards to organizations that are subject to 2 CFR part 215. Likewise, agencies that have not participated in the FDP may elect to use these terms on selective awards to their research recipients.

The Government-wide core set of administrative requirements are posted on the NSF Web site at: *http://www.nsf.gov/bfa/dias/policy/rtc/index.jsp.* As changes are made in the future, NSF will maintain both the current version and an archive of earlier versions. Research agencies will post their plans for implementing the administrative requirements either on the RBM subcommittee Web site, *http://rbm.nih.gov,* or on their own Web site, in which case the RBM subcommittee will provide a link from its site to the agency's location.

FOR FURTHER INFORMATION CONTACT: For information on the Research Terms and Conditions, contact Jean Feldman, Head, Policy Office, Division of Institution & Support, National Science Foundation, 4201 Wilson Blvd, Arlington, VA 22230, e-mail: *jfeldman@nsf.gov;* telephone (703) 292–8243; FAX: (703) 292–9171. For further information on the NSTC RBM Subcommittee, contact Diane DiEuliis, at the Office of Science and Technology Policy, 725 17th Street, NW., Washington, DC 20503; e-mail: *ddieuliis@ostp.eop.gov;* telephone 202–456–6059; FAX 202–456–6027. See also the RBM Subcommittee's Web site: *http://rbm.nih.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Purpose of Today's Federal Register Notice

This proposal is an initiative of the Research Business Models (RBM) Subcommittee of the Committee on Science (CoS), a committee of the National Science and Technology Council (NSTC). One of RBM Subcommittee's priority areas is greater consistency in the administration of Federal research awards. Given the increasing complexity of interdisciplinary and interagency research, it has become increasingly important for Federal agencies to manage awards in a similar fashion.

Federal agencies' awarding offices currently include different award requirements, use different language to state the same requirements, and organize the award content differently. The variation in format and content of these terms and conditions of awards increases both administrative effort and costs for recipients. Because requirements arise from common government-wide statutes and regulations, as well as OMB circulars, their standardization is possible.

In 2000, the ten Federal agencies and awarding offices and 98 research

institutions that participate in the Federal Demonstration Partnership (FDP) developed a core set of terms and conditions for research grants. Those terms and conditions modeled administrative requirements implementing Government-wide requirements in 2 CFR part 215, ''Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations'' (OMB Circular A–110). They also included supplementary documents for national policy requirements and requirements that flow down to sub-awards.

In 2003, the RBM Subcommittee asked for public comments on Federal policies and procedures related to business practices that could be changed to improve the efficiency, effectiveness and accountability of the nation's research enterprise. One issue raised was inconsistency in the terms and conditions for different agencies' research grants, as described above. Increased use of the previously developed core set of FDP terms and conditions was suggested as one way to address the issue. The RBM Subcommittee, with the approval of the CoS, therefore undertook an initiative to refine the administrative requirements developed by FDP for Government-wide use. The subcommittee proposed the administrative requirements for comment in the **Federal Register** [70 FR 4159, January 28, 2005].

Public comments were received from a wide variety of respondents, including twelve institutions of higher education; two non-profit organizations; two associations of academic and nonprofit institutions; components of six Federal agencies; and a group of universities that participate in FDP. All comments were considered in developing a final version of standardized administrative terms and conditions. Sixteen of the seventeen public comments strongly supported the overall proposal to create a government-wide standard core set of terms and conditions, citing the advantages of increased consistency in Federal agencies' award terms and reduced administrative burdens and costs. A number of specific issues were raised, and those comments and responses are summarized in Section II. In addition to the changes described, other editorial changes were made to correct typographical errors, to update references to sections of OMB Circulars A–21 and A–122, to conform with recent amendments to those circulars, and to increase readability.

Research agencies and awarding offices participating in the FDP should use this final core set of administrative requirements, to the maximum practicable extent, in research and research-related grant awards to organizations that are subject to 2 CFR part 215. Those agencies and awarding offices may supplement the core set with agency specific, program specific, or award specific administrative requirements, but should limit supplemental requirements to those that are: (1) Consistent with 2 CFR part 215 or required by a statute that supersedes that part; and (2) necessary for programmatic purposes or good stewardship of Federal funds. Other agencies and awarding offices that are not participating in the FDP are encouraged to replace administrative requirements in awards to organizations that are subject to 2 CFR part 215 with the core set of standard requirements that the RBM subcommittee developed and similarly limit their supplementation of those standard requirements. Research agencies also are encouraged to apply the administrative requirements to cooperative agreements.

In addition to the standard terms and conditions, two additional documents have been developed: Sub-award flow-down requirements and a matrix that contains national policy requirements. These documents are available electronically on the NSF Web site at: *http://www.nsf.gov/bfa/dias/policy/rtc/index.jsp.* Federal agencies' are encouraged to use these documents as tools to precisely set forth which national policy laws and regulations apply to their recipients, and what requirements flow down to sub-recipients in their research grants. Each agency also is encouraged to use the documents that the FDP maintains for national policy requirements and requirements that flow down to sub-recipients. An agency may revise the FDP documents as needed for currency, completeness, and applicability to the agency's programs. See section below for implementation guidance issued to agencies.

II. Comments and Responses

Comment: One Federal organization suggested that the RBM Subcommittee should work with the Pre-Award Work Group, an interagency group working to implement the Federal Financial Assistance Management Improvement Act of 1999 (Pub. L. 106–107) by developing standard terms and conditions, and restructuring current OMB circulars.

Response: Leaders and members of the Pre-Award Work Group were active participants in conceiving and developing the RBM Subcommittee proposal as the first of two linked initiatives on terms and conditions. The second of the two initiatives, led by the Pre-Award Work Group, ultimately should yield a better solution to standardizing the format and content of all Federal grants and cooperative agreements, including awards for research activities. The second initiative, when completed, would replace the guidance currently in OMB Circulars A–102 and A–110 with standard award terms and OMB guidance to Federal agencies on the use of those award terms. Standard award terms would communicate administrative requirements more clearly to recipients than the current language in the circulars, which often speaks simultaneously to recipients, agency grants policy officials, and/or agency officials who award and administer grants; thus it is not always clear which audience(s) is being addressed. The Pre-Award Work Group's initiative understandably is a longer-term solution because it entails a major restructuring of the current OMB guidance in the circulars.

The RBM proposal cannot realize all of the advantages of the longer-term Pre-Award Work Group initiative because it must operate within the current structure of OMB Circulars A–102 and A–110. Nonetheless, agency staff determined that broadening use of the FDP terms and conditions is worthwhile as an interim approach, pending completion of the Pre-Award Work Group's effort. That judgment was also supported by public comments received in response to the January 2005 **Federal Register** notice. Commenters strongly supported interim use of FDP terms and conditions as a way to increase consistency and reduce unnecessary burdens for the research community. Given that the research community also is an important part of the broader recipient community that ultimately will benefit from the Pre-Award Work Group's initiative, it is notable that commenters also expressed support for completing that longer-term initiative.

Comment: A number of commenters offered different perspectives on the following question in the January 2005 **Federal Register** notice: ''Are the terms and conditions easy to use and understand?'' Six universities affirmed that they were easy to use and understand. One of the six, however, attributed this to the fact that they were a long-term FDP participant and therefore very familiar with the terms and conditions. It was suggested that accommodation may need to be made for institutions that were not yet familiar with them. Implicit support for

that suggestion was provided by comments from two Federal organizations and a nonprofit research organization that are not FDP participants. Uncertainty regarding the interrelationship between the FDP terms and conditions and OMB Circular A–110 was also noted. The nonprofit organization stated that the administrative requirements would be cumbersome to use because they cross-reference OMB Circular A–110 with some ''clarifications,'' rather than maintaining the integrity of the circular and creating a ''generic'' set of supplemental terms. One Federal organization stated that inconsistent wording of the terms and conditions used to incorporate or refer to sections of OMB Circular A–110 could cause confusion about which requirements in the circular applied and which were modified by the terms and conditions. Another Federal agency was unsure how the terms and conditions related to its regulation implementing OMB Circular A–110.

Response: New articles 60 and 70 were added and the language that refers to OMB Circular A–110 was revised in Articles 1, 2, 5, 10, 20, 23, 24, 30, 35, 40, 50, 52, 61, and 62 of the terms and conditions, in order to state more clearly how each article implements, rather than clarifies, the corresponding section of the circular. No article in the terms and conditions includes any deviations from OMB Circular A–110. Agencies are bound by their regulations (or other form of implementation) that codified OMB Circular A–110, so there is no potential for the terms and conditions to deviate from an agency's regulation implementing the circular as long as the regulation provides the agency with the same flexibility that is in the circular.

Comment: Three comments questioned how the government-wide standard core set of terms and conditions will be maintained after they are established. One commenter urged that a stringent review process in consultation with stakeholders and public comment be developed prior to finalizing changes to the terms and conditions. Two other commenters suggested that the FDP continue to manage the process for future changes.

Response: OSTP will review agency implementation plans to ensure a well-managed and disciplined process for maintaining the core set of terms and conditions.

Comment: One commenter asked if the general terms and conditions that were in effect on the effective date of an award would be applicable throughout the full term of the award. Noting that the terms of an award could otherwise be changed unilaterally by the awarding agency, without the recipient's knowledge, the commenter further stated that any change in award terms should require a bilateral agreement between the agency and the recipient.

Response: In establishing a standard core set of terms and conditions available for use by the research agencies, there is no intention to alter good business procedures that agencies use to make awards or amend their terms. To the best of our knowledge, no agency applies new terms and conditions retroactively to existing awards unless they are required to do so by a Federal statute, Executive Order, or other external requirement. Similarly, at the time of award, or when notified of a prospective amendment to the terms and conditions of an existing award, a recipient can negotiate with the awarding agency. If the agency has no flexibility to alter an award term imposed by an external requirement, or is not otherwise willing to modify the award term, the recipient may elect to decline a new award or terminate an existing one without accepting the amendment. In no case should an agency amend award terms and conditions without a recipient's knowledge.

Comment: One commenter recommended adding language in the administrative requirements to Article 4, ''Deviations,'' to require an agency to respond in a reasonable time frame to a recipient's request for a waiver or deviation from a provision of the award terms and conditions.

Response: Agree. Two sentences were added to Article 4 to require an agency to notify the recipient within 30 calendar days of receiving a request for waiver or deviation. The notification would inform the recipient whether the request is approved or, if the agency still is considering the request, when the recipient may expect a decision.

Comment: One Federal organization recommended revising the definition of ''equipment'' in Article 2 to clarify what requirements apply to an item of property with an acquisition cost that is less than $5,000, should a recipient establish a lower dollar threshold than the Federally mandated threshold for distinguishing between equipment and supplies. The commenter noted that the proposed definition improperly exempted the item from all of the requirements in Articles 33 and 34 of the award and pointed out that an agency rarely, if ever, has the authority to waive requirements in Article 33 for Federally owned property. The commenter further suggested that an agency should not waive the requirement in Article 34 for a recipient to account for equipment purchased with Federal funds to ensure that (1) it is not later included as a contribution toward cost sharing under another Federal award; or (2)depreciation or use charges for the item are not included later in a proposal for indirect or Facilities and Administration costs under OMB Circular A–122 or A–21.

Response: Agree. The definition of ''equipment'' was revised to clarify that the two requirements apply, as noted by the commenter.

Comment: One Federal organization recommended deleting paragraph (a) in the proposed Article 23, ''Cost sharing or matching.'', as it appeared to have been included in anticipation of an amendment to OMB Circular A–110 that was not made. The commenter suggested an appropriate reference would be to a memorandum issued by OMB in lieu of amending the circular (OMB Memorandum M–01–06; ''Clarification of OMB A–21 Treatment of Voluntary Uncommitted Cost Sharing and Tuition Remission Costs;'' January 5, 2001; available at *http://www.whitehouse.gov/omb/memoranda/m01–06.html*.)

Response: Agree. The paragraph was deleted and a reference was added to the memorandum. We made a conforming change to paragraph (a) of Article 25 by adding a reference to the same OMB memorandum.

Comment: Two Federal organizations recommended that paragraph (b)(3) of the proposed Article 25, ''Revision of budget and program plans,'' did not adequately state limits on Federal agency liability related to funding amounts that the recipient and the agency anticipate being available in the future under an award.

Response: Agree. The paragraph was revised as recommended.

Comment: A Federal organization recommended deleting paragraph (c)(5) in the proposed Article 25, ''Revision of budget and program plans.'' The commenter suggested that the proposed language in the paragraph appeared to waive all prior approval requirements in the cost principles for institutions of higher education, OMB Circular A–21, which contradicted other provisions in Articles 25 and 27 of the terms and conditions.

Response: Agree. Paragraph (c)(5) of Article 25 was deleted, the substance of which was addressed elsewhere in Articles 25 and 27.

Comment: A Federal organization recommended including in Article 25, ''Revision of budget and program plans,'' the requirement contained in paragraph (k) of section __ .25 of OMB

Circular A–110 for a recipient to promptly notify the awarding agency if it learns that it will not need all of the funds planned for a project.

Response: Agree. A new paragraph (e) to Article 25 was added to implement that paragraph of OMB Circular A–110.

Comment: One commenter recommended replacing the word ''phenomena'' in the proposed paragraph (a)(2) of Article 27, ''Allowable costs,'' with ''field of study'' or ''scientific or technical area under study.'' Paragraph (a)(2) contains a clarification to supplement language in OMB Circular A–21, the cost principles for institutions of higher education, that provides guidance for allocation of costs by principal investigators among interrelated research projects. The commenter suggested that ''phenomena'' connoted an end product of a project.

Response: No change. Being in the same field of study or scientific or technical area is not sufficiently specific to describe interrelated projects for allocation of costs. The proposed language referring to study of the same ''phenomena,'' or different ''phenomena'' using the same techniques, is appropriate.

Comment: One nonprofit organization asked if the intent in the proposed Article 28 was to allow costs associated with production of a final report for a project, even if those costs were incurred after the end of the project period. A Federal organization suggested replacing the phrase ''costs incidental to the production of the final report'' in Article 28 with the phrase ''costs allocable to the production of the final report,'' to be clear that ability to allocate is a condition for the allowance of the costs.

Response: In response to the first commenter's question, the intent is to allow the costs for producing a final report that a Federal agency requires under an award. A recipient may incur costs for that purpose after the end of the project period since final reports generally are not due until 90 days thereafter. The wording change suggested by the second commenter was not made.

Comment: A nonprofit organization asked that we refer to the appropriate sections of OMB Circular A–122, the cost principles for nonprofit organizations, in Article 32 on real property and in paragraph (c) of Article 34 on equipment. Those articles only referred to OMB Circular A–21, the cost principles for institutions of higher education.

Response: The recommended change was made because the administrative requirements are intended for use in awards to nonprofit organizations, as well as institutions of higher education. For the same reason, in each paragraph that used the term ''Facilities and Administrative costs,'' the term was replaced with ''indirect and Facilities and Administrative costs'' if the paragraph applies to both nonprofit organizations (for which the term ''indirect costs'' is used) and institutions of higher education (for which the term ''Facilities and Administrative costs'' is used).

Comment: One commenter suggested that the meaning of ''encumber'' was not clear in the following requirement in paragraph (a)(2)(i) of Article 34: ''The recipient may not encumber the equipment without the approval of the Federal awarding agency.'' The commenter offered that the language in OMB Circular A–110, which also uses ''encumber,'' is clearer.

Response: No change. ''Encumber'' also is used in the commercial sector to refer to burdening property with obligations (e.g., through assigning, pledging, leasing, or accepting liens against property, or using it as security). The wording of the requirement in Article 34 is almost identical to the language used in OMB Circular A–110.

Comment: A Federal organization recommended dropping paragraph (a) of Article 35, ''Supplies,'' because it appeared to contradict the initial sentence of that Article. The initial sentence said that the requirements in section __ .35 of OMB Circular A–110 applied to supplies acquired under an award. Paragraph (a) then stated that title to supplies would vest unconditionally in the recipient unless agency-specific requirements provided otherwise, which appears to mean that the requirements in section __ .35 do not apply.

Response: Agree. Paragraph (a) was deleted.

Comment: Two commenters recommended changes to paragraph (e) of Article 40, ''Procurement,'' which concerns reviews of recipients' procurement systems conducted by the Office of Naval Research (ONR). One nonprofit organization suggested broadening the paragraph to recognize other known agency relationships with recipients than just those of ONR, so as not to conflict with the intent of the Single Audit Act. A Federal organization recommended revising the requirement for a recipient to notify ONR of any major change(s) to its procurement system, if the system had been approved previously by ONR. The commenter noted that the wording permitted a recipient to wait to notify ONR until after it made a change and recommended we instead require the recipient to notify ONR of any proposed major change.

Response: The change recommended by the second commenter was made, but not the change suggested by the first commenter because the requirement as written only applies if a recipient's procurement system was reviewed and approved by ONR. Staff are not aware of other cognizant agencies that currently perform reviews of procurement systems of nonprofit research institutions and are aware of other agencies (and research institutions under other agencies' cognizance) having asked ONR to conduct reviews for them.

Comment: One commenter recommended that we replace the language on publication of research results in paragraph (a) of Article 51 with language that the National Science Foundation (NSF) includes in its awards. The commenter suggested that the NSF language more clearly defines the recipient's obligations concerning publications, factoring in intellectual property rights, publication costs, and researchers' interests.

Response: No change to the core set of terms and conditions. The NSF award term covering publications and data is based on a policy of the National Science Board, the NSF's policy and oversight body. Other agencies have policies that vary from the NSF policy and some have a statutory basis. Therefore, the NSF policy appropriately belongs in an agency-specific award term that supplements the core set of administrative terms and conditions.

Comment: One nonprofit and one Federal organization noted that Article 52, ''Financial reporting,'' only informs a recipient about the reporting requirement that applies if payments are made in advance. The nonprofit organization asked if we intended to discontinue requirements that previously applied when a recipient did not request advance payments. The Federal organization recommended adding language about the requirement that applies if payments are made using the reimbursement method.

Response: A sentence was added to Article 52 to refer a recipient to the agency-specific terms and conditions for financial reporting requirements that apply if payments are made using the reimbursement method.

Comment: A Federal organization recommended removing the last sentence of paragraph (a) in Article 53, ''Retention and access requirements for records,'' from the core set of terms and conditions because it contained a

clarification of the requirement for records retention that applied only to NSF awards.

Response: Agree. The sentence was removed and NSF will include in its agency-specific terms and conditions that supplement the core set of administrative requirements.

Comment: A Federal organization suggested adding a reference in Article 54 to National Security Decision Directive (NSDD) 189, ''National Policy on the Transfer of Scientific, Technical and Engineering Information,'' as recommended by the National Academies in a Congressionally requested report.

Response: Article 54 has been revised to a more streamlined form, however, the suggested reference to NSDD–189 was not added.

Comment: A Federal organization recommended deleting paragraph (b) of Article 72 ''Subsequent adjustments and continuing responsibilities.'' The commenter noted that paragraph (b) of Article 72 was redundant because it restated one of the requirements in section ____ .72 of OMB Circular A–110, all of which already were incorporated by Paragraph (a) of Article 72.

Response: Agree. Paragraph (b) of Article 72 was deleted.

III. Final Administrative Requirements and Future Steps

The final version of the standard research terms and conditions which incorporate the changes discussed in the preceding Sections I and II of Supplementary Information, may be viewed at *http://www.nsf.gov/bfa/dias/policy/rtc/index.jsp.* Agencies will post their plans for implementing the administrative requirements either at the RBM subcommittee Web site at: *http://rbm.nih.gov,* or at its own Web site (in which case the RBM subcommittee will provide a link from its site to the agency's location).

To the Heads of Executive Departments and Agencies:

Subject: Policy on Terms and Conditions for Research Grants

1. *Purpose:* This policy allows all research agencies to utilize a new standard core set of administrative terms and conditions on research and research-related awards.

2. *Authority:* This policy is an implementation of OMB Circular A–110, ''Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations'' (2 CFR part 215).

3. *Background:* This policy resulted from an initiative of the Research Business Models (RBM) Subcommittee of the Committee on Science (CoS), a committee of the National Science and Technology Council (NSTC). One of the RBM Subcommittee's priority areas is to create greater consistency in the administration of Federal research awards. Given the increasing complexity of interdisciplinary and interagency research, it has become increasingly important for Federal agencies to manage awards in a similar fashion.

4. *Policy:*

a. Use of Government-wide core set of administrative requirements. Research agencies and awarding offices participating in the FDP must use the core set of administrative requirements, to the maximum practicable extent, in research and research-related grant awards to organizations that are subject to 2 CFR part 215. Those agencies and awarding offices may supplement the core set with agency specific, program specific, or award specific administrative requirements, but should limit supplemental requirements to those that are: (1) Consistent with 2 CFR part 215 or required by a statute that supersedes that part; and (2) necessary for programmatic purposes or good stewardship of Federal funds. Other agencies and awarding offices that are not participating in the FDP are encouraged to replace administrative requirements in awards to organizations that are subject to 2 CFR part 215 with the core set of standard requirements that the RBM subcommittee developed and similarly limit their supplementation of those standard requirements.

b. Use of FDP national policy and subaward requirements. Each agency also is encouraged to use the documents that the FDP maintains for national policy requirements and requirements that flow down to subrecipients. An agency may revise the FDP documents as needed for currency, completeness, and applicability to the agency's programs. The documents are available at the FDP site maintained by the National Science Foundation (NSF): *http://www.nsf.gov/bfa/dias/policy/rtc/index.jsp.*

c. Maintenance of the administrative requirements. As Federal requirements evolve, the RBM subcommittee will update the core set of administrative requirements as needed to maintain it as a standard implementation of 2 CFR Part 215. Significant changes will be coordinated with the Office of Management and Budget, approved by the Grants Policy Committee of the Chief Financial Officers Council, and adopted after opportunity for public comment.

d. Posting of the administrative requirements. NSF will post the Government-wide core set of administrative requirements on the NSF Web site: *http://www.nsf.gov/bfa/dias/policy/rtc/index.jsp.* As changes are made in the future, NSF will maintain both the current version and an archive of earlier versions.

e. Agency implementation plans. Each CoS member agency will post its plan for implementing the administrative requirements either at the RBM subcommittee site, *http://rbm.nih.gov,* or at its own Web site (in which case the RBM subcommittee will provide a link from its site to the agency's location).

f. Effective dates. This policy is effective with publication of this notice in the **Federal Register**. It remains in effect as long as the core set of requirements is consistent with Government-wide administrative requirements, which currently are in 2 CFR part 215. The core set will be superseded when Government-wide terms and conditions are established for all Federal grants and cooperative agreements, due to an initiative currently under way as part of the implementation of the Federal Financial Assistance Management Improvement Act of 1999 (Pub. L. 106–107). Agencies shall post their implementation plans as noted in ''e'' above, no later than July 2008.

M. David Hodge,

Operations Manager, Office of Science and Technology Policy.

[FR Doc. E8–1262 Filed 1–24–08; 8:45 am]

BILLING CODE 3170–W8–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) being reviewed by the Federal Communications Commission, Comments Requested

January 14, 2008.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, 44 U.S.C. Sections 3501—3520. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act

(PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before March 25, 2008. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: You may submit all PRA comments by e-mail or U.S. mail. To submit your comments by e-mail, send them to *PRA@fcc.gov.* To submit your comments by U.S. mail, send them to Leslie F. Smith, Federal Communications Commission, Room 1–C216, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection(s), contact Leslie F. Smith via e-mail at *PRA@fcc.gov* or call (202) 418–0217.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0056.

Title: Part 68—Connection of Terminal Equipment to the Telephone Network.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 58,520 respondents; 70,450 responses.

Estimated Time per Response: 0.5–24 hours.

Obligation to Respond: Required to obtain or retain benefits.

Frequency of Response: On occasion reporting requirement; recordkeeping requirement; and third party disclosure requirement.

Total Annual Burden: 32,027 hours.

Total Annual Cost: $1,160,000.

Privacy Act Impact Assessment: No impacts.

Nature of Extent of Confidentiality: The Commission is not requesting that the respondents submit confidential information to the FCC. Respondents may, however, request confidential treatment for information they believe to be confidential under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The purpose of 47 CFR Part 68 is to protect the telephone network from certain types of harm and interference to other subscribers. To ensure that consumers, providers of telecommunications, the Administrative Council, telecommunications certification bodies (TCBs), and the Commission are able to trace products to the party responsible for placing terminal equipment on the market, it is essential to require manufacturers and suppliers to provide the information required by part 68. In addition, it is necessary that incumbent local exchange carriers (ILECs) provide the information in part 68 to warn their subscribers of impending disconnection of service when subscriber terminal equipment is causing telephone network harm.

OMB Control Number: 3060–0370.

Title: Part 32—Uniform System of Accounts for Telecommunications Companies.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions, and state, local and tribal government.

Number of Respondents and Responses: 239 respondents; 239 responses.

Estimated Time per Response: 1.07–104 hours.

Obligation to Respond: Mandatory as required by 47 U.S.C. 220.

Frequency of Response: On-occasion reporting requirement; recordkeeping requirement.

Total Annual Burden: 1,516,702 hours.

Total Annual Cost: $0.00.

Privacy Act Impact Assessment: No impacts.

Nature of Extent of Confidentiality: The Commission is not requesting that the respondents submit confidential information to the FCC. Respondents may, however, request confidential treatment for information they believe to be confidential under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission adopting the Joint Conference's recommendations to reinstate the following Part 32 Class A accounts: Account 5230, Directory revenue; Account 6621, Call completion services; Account 6622, Number services; Account 6623, Customer services; Account 6561, Depreciation expenses—telecommunications plant in service; Account 6562, Depreciation expenses—property held for future telecommunications use; Account 6563, Amortization expense—tangible; Account 6564, Amortization expense—intangible; Account 6565, Amortization expense—other. These accounting changes are mandatory only for Class A Incumbent Local Exchange Carriers (ILECs). The reinstatement of these accounts will impose a minor increase (7%) in burden on Class A ILECs only. Additionally, the Commission is establishing a requirement that Class A ILECs maintain subsidiary record categories for unbundled network element revenues, resale revenues, reciprocal compensation revenues, and other interconnection revenues in the accounts in which these revenues are currently recorded. The use of subsidiary record categories allows carriers to use whatever mechanisms they choose, including those currently in place, to identify the relevant amounts as long as the information can be made available to state and federal regulators upon request. The use of subsidiary record categories for interconnection revenue does not require massive changes to the ILECs' accounting system and is a far less burdensome alternative than the creation of new accounts and/or subaccounts.

OMB Control Number: 3060–XXXX.

Title: Service Quality Measurement Plan for Interstate Special Access and Monthly Usage Reporting Requirements.

Form Number: N/A.

Type of Review: New Collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 3 respondents; 48 responses annually.

Estimated Time per Response: 25–75 hours.

Obligation to Respond: Required to obtain or retain benefits.

Frequency of Response: Monthly and quarterly reporting requirements; third party disclosure.

Total Annual Burden: 3,000 hours.

Total Annual Cost: $135,000.

Privacy Act Impact Assessment: No impacts.

Nature of Extent of Confidentiality: The respondents may request confidentiality protection for the special access performance information. The respondents are not required to file their customers' monthly usage information with the Federal Communications Commission (FCC).

Needs and Uses: The service quality measurement plan for interstate special access would require the respondents to report special access performance metrics on a quarterly basis. Because, pursuant to Section 272(f)(1) Sunset of

the BOC Separate Affiliate and Related Requirements; 2000 Biennial Regulatory Review Separate Affiliate Requirements of Section 64.1903 of the Commission's Rules; Petition of AT&T Inc. for Forbearance Under 47 U.S.C. 160(c) with Regard to Certain Dominant Carrier Regulations for In-Region, Interexchange Services, WC Docket Nos. 02–112, 06–120, CC Docket No. 00–175, *Report and Order and Memorandum Opinion and Order,* 22 FCC Rcd 16440 (2007) (*Section 272 Sunset Order*), the respondents are no longer required to comply with the section 272 structural safeguards, the special access performance metrics reporting requirements will ensure that these carriers do not engage in non-price discrimination in the provision of special access services to unaffiliated entities and will provide the FCC and other interested parties with reasonable tools to monitor these carriers' performance in providing these special access services to themselves and their competitors. The monthly usage reporting requirement would require the respondents to provide each of their residential customers who subscribe to a call plan that establishes a single rate for unlimited wireline local exchange and long distance telecommunications service with the total number of long distance telecommunications service minutes used by that customer each month. This monthly usage reporting requirement will help ensure that, as a result of the relief granted in the Section 272 Sunset Order residential interstate long distance consumers receive adequate information regarding their monthly usage in order to make informed choices among alternative long distance calling plans.

OMB Control Number: 3060–0823.

Title: Pay Telephone Reclassification, *Memorandum Opinion and Order,* CC Docket No. 96–128.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 400 respondents; 400 responses.

Estimated Time per Response: 2–35 hours.

Obligation to Respond: Mandatory as required by 47 U.S.C. 276.

Frequency of Response: On occasion, monthly, and quarterly reporting requirements; recordkeeping requirement; and third party disclosure requirement.

Total Annual Burden: 44,700 hours.

Total Annual Cost: $480,000.

Privacy Act Impact Assessment: No impacts.

Nature of Extent of Confidentiality: The Commission is not requesting that the respondents submit confidential information to the FCC. Respondents may, however, request confidential treatment for information they believe to be confidential under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission's Common Carrier Bureau adopted and released a *Memorandum Opinion and Order,* Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996 *et al.,* CC Docket No. 96–128, DA 98–481, on March 9, 1998, which clarified the requirements established in the *Payphones Orders* for the provision of payphone-specific coding digits and for tariffs that local exchange carriers (LECs) must file pursuant to the *Payphone Orders.* The Commission also granted a waiver of Part 69 of the Commission's rules so that LECs can establish rate elements to recover the costs of implementing FLEX-ANI (a type of switch software) to provide payphone-specific coding digits for per-call compensation. The Commission is required to implement section 276 of the Act, which it has done in the *Payphone Orders.*

OMB Control Number: 3060–0298.

Title: Competitive Carrier Line Count Report.

Form Number: FCC Form 525.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 1,300 respondents; 4,753 responses.

Estimated Time per Response: 57 hours.

Obligation to Respond: Required to obtain or retain benefits.

Frequency of Response: On occasion and annual reporting requirements.

Total Annual Burden: 66,120 hours.

Total Annual Cost: $0.00.

Privacy Act Impact Assessment: No impacts.

Nature of Extent of Confidentiality: The respondents may request confidentiality protection for the special access performance information. The respondents are not required to file their customers' monthly usage information with the Federal Communications Commission (FCC).

Needs and Uses: 47 CFR Part 61 of the Commission's rules establishes procedures for filing tariffs which contain the charges, practices, and regulations of the common carriers, supporting economic data and other related documents. The supporting data must conform to other parts of the Rules such as Parts 36 and 69. Part 61 also prescribes the framework for the initial establishment of and subsequent revisions to tariffs. Tariffs that do not conform to Part 61 may be required to post their schedules or rates and regulations. The information collected through a carrier's tariff is used by the Commission to determine whether services offered are just and reasonable as the Act requires. The tariffs and any supporting documentation are examined in order to determine if the services are offered in a just and reasonable manner.

OMB Control Number: 3060–1046.

Title: Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96–128, *Order on Reconsideration.*

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 1,023 respondents; 4,854 responses.

Estimated Time per Response: 100 hours.

Obligation to Respond: Mandatory, as required by 47 U.S.C. 276.

Frequency of Response: Quarterly and annual reporting requirements; recordkeeping requirement; and third party disclosure requirement.

Total Annual Burden: 485,400 hours.

Total Annual Cost: $0.00.

Privacy Act Impact Assessment: No impacts.

Nature and Extent of Confidentiality: The Commission is not requesting that the respondents submit Confidential information to the FCC. Respondents may, however, request confidential treatment for Information they believe to be confidential under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission released an *Order on Reconsideration,* the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96–128, FCC 04–251, on October 22, 2004, which increased the time carriers must retain certain data and adds burden in that regard. It also removed potentially burdensome paperwork requirements by encouraging carriers to comply with the reporting requirements through electronic means. We believe that the clarifications adopted in the *Order on Reconsideration* significantly decrease the paperwork burden on carriers. Specifically, the Commission: (1) Clarified that Completing Carriers must provide the Payphone Service Provider

(PSP) with adequate notice of an alternative compensation arrangement (ACA) prior to its effective date with sufficient time for the PSP to object to an ACA, and also prior to the termination of an ACA; (2) clarified any paperwork burdens imposed on carriers and allowed Completing Carriers to provide notice of ACAs on a clearinghouse's Web site; (3) required Completing Carriers to report only completed calls in their quarterly reports; and (4) extended the time period from 18 to 27 months for Completing Carriers and Intermediate Carriers to retain certain payphone records.

OMB Control Number: 3060–0816.

Title: Local Telephone Competition and Broadband Reporting, *Report and Order,* WC Docket No. 04–141, FCC 04–266.

Form Number: FCC Form 477.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit; not-for-profit institutions; and state, local or tribal government.

Number of Respondents and Responses: 1,400 respondents; 2,800 responses.

Estimated Time per Response: 46.0 hours.

Obligation to Respond: Mandatory, as required by the Commission's rules implementing section 706 of the Telecommunications Act of 1996, 47 U.S.C. 157nt, and the Communications Act of 1934, as amended, 47 U.S.C. 151–155, 160, 161, 201–205, 215, 218–220, 251–271, 303(r), 332, 403, 502, and 503.

Frequency of Response: Semi-annual reporting requirement.

Total Annual Burden: 128,800 hours.

Total Annual Cost: $0.00.

Privacy Act Impact Assessment: No impacts.

Nature of Extent of Confidentiality: Respondents may request confidential treatment for competitively sensitive information by using a drop-down box located on the first page of Form 477. If the Commission receives a request for release pursuant to the Freedom of Information Act, the respondent is notified and afforded an opportunity to show why the data should not be released under 47 CFR 0.459(b) of the Commission's rules. Additionally, the Commission only releases aggregated (non-company specific) information in its published reports.

Needs and Uses: The information is necessary to evaluate the status of local telephone competition and the status of broadband services deployment. The information assists the Commission in preparing the report mandated by section 706 of the Telecommunications Act of 1996, and it is used by the Commission to evaluate the efficacy of Commission rules and policies adopted to implement the Telecommunications Act of 1996.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E8–1325 Filed 1–24–08; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comments Requested

January 16, 2008.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to take this opportunity to (PRA) of 1995 (PRA), Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Subject to the PRA, no person shall be subject to any penalty for failing to comply with a collection of information that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written PRA comments should be submitted on or before March 25, 2008. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: You may submit all PRA comments by e-mail or U.S. post mail. To submit your comments by e-mail, send them to *PRA@fcc.gov*. To submit your comments by U.S. mail, mark them to the attention of Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection(s), contact Cathy Williams at (202) 418–2918 or send an e-mail to *PRA@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0084.

Title: Ownership Report for Noncommercial Educational Broadcast Station.

Form Number: FCC Form 323–E.

Type of Review: Extension of a currently approved collection.

Respondents: Not-for-profit institutions.

Number of Respondents: 2,636 hours.

Estimated Time per Response: One hour.

Frequency of Response: On occasion reporting requirement; biennial reporting requirement; with renewal reporting requirement.

Total Annual Burden: 2,636 hours.

Total Annual Cost: $1,054,400.

Nature of Response: Required to obtain or retain benefits.

Confidentiality: No need for confidentiality required.

Privacy Impact Assessment(s): No impact(s).

Needs and Uses: Each licensee/permittee of a noncommercial FM and TV broadcast station is required to file an Ownership Report for Noncommercial Educational Broadcast Station, FCC Form 323–E, within 30 days of the date of grant by the FCC of an application for an original construction permit. In addition, licensee/permittee must file FCC Form 323–E on the application date for a station license or with the license renewal application and every two years thereafter. Each licensee with a current, unmodified FCC Form 323–E on file with the Commission may electronically review its current Report, validate its accuracy, and be relieved of the obligation to file a new Biennial Ownership Report. The FCC 323–E must also be filed within 30 days of consummating authorized assignments or transfers of permits and licenses.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E8–1326 Filed 1–24–08; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Requirement Submitted to OMB for Review and Approval, Comments Requested

January 16, 2008.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before February 25, 2008. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via Internet at *Nicholas_A._Fraser@omb.eop.gov* or via fax at (202) 395–5167 and to Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street, SW., Washington, DC or via Internet at *Cathy.Williams@fcc.gov* or *PRA@fcc.gov.* To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the title of this ICR (or its OMB control number, if there is one) and then click on the ICR Reference Number to view detailed information about this ICR.''

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0216.

Title: Informal Requests to Discontinue Only One Service and Informal Requests to Flash Cut; Section 73.3538, Application To Make Changes in an Existing Station, Section 73.1690(e) Modification of Transmission Systems.

Form Number: Not applicable.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; not-for-profit institutions.

Number of Respondents: 700.

Frequency of Response: On occasion reporting requirement; recordkeeping requirement.

Estimated Time per Response: 0.50–3 hours.

Total Annual Burden: 1,125 hours.

Total Annual Cost: None.

Nature of Response: Required to obtain or retain benefits.

Confidentiality: No need for confidentiality required.

Privacy Impact Assessment: No impact(s).

Needs and Uses: Congress has mandated that after February 17, 2009, full-power television broadcast stations must transmit only digital signals and may no longer transmit analog signals. On December 31, 2007, the Commission released a Report and Order, In the Matter of the Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, MB Docket No. 07–91, FCC 07–228. In this Report and Order, among other things, the Commission requires stations to request Commission approval to return their currently assigned, pre-transition-only DTV channel (i.e., a DTV channel that is not their final, post-transition channel) and flash cut at or before the transition deadline from their current analog channel to their final, post-transition channel. This process will be accomplished by permitting broadcasters to file an informal letter to the Video Division of the Media Bureau and send an email to *analog@fcc.gov* in lieu of a formal construction permit application (FCC Forms 301 and 340). 47 CFR 73.1690(e) requires AM, FM, and TV station licensees to prepare an informal statement or diagram describing any electrical and mechanical modification to authorized transmitting equipment that can be made without prior Commission approval provided that equipment performance measurements are made to ensure compliance with FCC rules. This informal statement or diagram must be retained at the transmitter site as long as the equipment is in use. 47 CFR 73.3538 requires broadcast stations to file an informal application to modify or discontinue the obstruction marking or lighting of an antenna supporting structure.

OMB Control Number: 3060–1104.

Title: Section 73.682(d), TV Transmission Standards.

Form Number: Not applicable.

Type of Review: New collection.

Respondents: Business or other for-profit entities; not-for-profit institutions.

Number of Respondents: 1,812.

Frequency of Response: Weekly reporting requirement; third party disclosure requirement.

Estimated Time per Response: 0.50 hours.

Total Annual Burden: 47,112 hours.

Total Annual Cost: None.

Nature of Response: Required to obtain or retain benefits.

Confidentiality: No need for confidentiality required.

Privacy Impact Assessment: No impact(s).

Needs and Uses: Congress has mandated that after February 17, 2009, full-power television broadcast stations must transmit only digital signals and may no longer transmit analog signals. On December 31, 2007, the Commission released a Report and Order, In the Matter of the Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, MB Docket No. 07–91, FCC 07–228.

In this Report and Order, among other things, the Commission updates Section 73.682(d) of the Commission's rules to reflect revisions to the Advanced Television Systems Committee Inc's (ATSC) Program System Information Protocol (PSIP) Standards. The revised ATSC PSIP standard requires broadcasters to populate the Event Information Tables (''EITs'') with accurate information about each event and to update the EIT if more accurate information becomes available. In other words, it requires broadcasters to provide detailed programming

information when transmitting their broadcast signal.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E8–1328 Filed 1–24–08; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2845]

Petition for Reconsideration of Action in Rulemaking Proceeding

January 11, 2008.

A Petition for Reconsideration has been filed in the Commission's Rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of this document is available for viewing and copying in Room CY–B402, 445 12th Street, SW., Washington, DC, or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1–800–378–3160). Oppositions to this petition must be filed by February 11, 2008. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

Subject: In the Matter of Amendment of the Establishment of Policies and Service Rules for the Broadcasting-Satellite Service at the 17.3–17.7 GHz Frequency Band and at the 17.7–17.8 GHz Frequency Band Internationally, and at the 24.75–25.25 GHz Frequency Band for Fixed Satellite Services Providing Feeder Links to the Broadcasting-Satellite Service and for the Satellite Services Operating Bi-directionally in the 17.3–17.8 GHz Frequency Band (IB Docket No. 06–123).

Number of Petitions Filed: 1.

Marlene H. Dortch,

Secretary.

[FR Doc. E8–1329 Filed 1–24–08; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2846]

Petitions for Reconsideration and Clarification of Action in Rulemaking Proceeding

January 16, 2008.

Petitions for Reconsideration have been filed in the Commission's Rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents is available for viewing and copying in Room CY–B402, 445 12th Street, SW., Washington, DC, or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1–800–378–3160). Oppositions to these petitions must be filed by February 11, 2008. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1). Replies to oppositions must be filed within 10 days after the time for filing oppositions have expired.

Subject: In the Matter of Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992 (MB Docket No. 05–311).

Number of Petitions Filed: 3.

Marlene H. Dortch,

Deputy Secretary.

[FR Doc. E8–1339 Filed 1–24–08; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2847]

Petitions for Reconsideration of Action in Rulemaking Proceeding

January 18, 2008.

Petitions for Reconsideration have been filed in the Commission's Rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents is available for viewing and copying in Room CY–B402, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1–800–378–3160). Oppositions to these petitions must be filed by February 11, 2008. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1). Replies to oppositions must be filed within 10 days after the time for filing oppositions have expired.

Subject: In the Matter of Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service (MM Docket No. 99–325).

Number of Petitions Filed: 2.

Marlene H. Dortch,

Deputy Secretary.

[FR Doc. E8–1322 Filed 1–24–08; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Radio Broadcasting Services; AM or FM Proposals to Change the Community of License

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The following applicants filed AM or FM proposals to change the community of license: AD ASTRA PER ASPERA BROADCASTING, INC., Station KNZS, Facility ID 1137, BPH–20071221ADM, From KINGMAN, KS, To ARLINGTON, KS; AUBURN NETWORK, INC., Station WGZZ, Facility ID 15283, BPH–20071219ABU, From DADEVILLE, AL, To WAVERLY, AL; BENTON-WEATHERFORD BROADCASTING, INC., OF IN., Station WKZS, Facility ID 4807, BPH–20080108ABK, From COVINGTON, IN, To THOMASBORO, IL; CITADEL BROADCASTING COMPANY, Station WXOK, Facility ID 11606, BMP–20061116AEE, From BATON ROUGE, LA, To PORT ALLEN, LA; COPPER MOUNTAIN BROADCASTING COMPANY, Station KXCM, Facility ID 67029, BPH–20071130AMT, From TWENTYNINE PALMS, CA, To JOSHUA TREE, CA; COPPER MOUNTAIN BROADCASTING COMPANY, Station KQCM, Facility ID 16771, BPH–20071130AMV, From JOSHUA TREE, CA, To THERMAL, CA; EMMANUEL BAPTIST TEMPLE, Station WHGT, Facility ID 39494, BP–20071206ACV, From CHAMBERSBURG, PA, To MAUGANSVILLE, MD; LAKESHORE MEDIA, LLC, Station KWCX–FM, Facility ID 72659, BPH–20080102ABU, From WILLCOX, AZ, To TANQUE VERDE, AZ; PRINCIPLE BOSTON HOLDCO LLC, Station WESX, Facility ID 49301, BP–20070307AAX, From SALEM, MA, To NAHANT, MA; SKYWEST MEDIA LLC, Station KFMR, Facility ID 164261, BMPH–20080108AAB, From MARBLETON, WY, To BALLARD, UT; TIMOTHY C. CUTFORTH, Station KCEG, Facility ID 135885, BMP–20071227AAQ, From PUEBLO, CO, To FOUNTAIN, CO; WILLIAMS COMMUNICATIONS, INC., Station WHMA–FM, Facility ID 52320, BPH–20071214AAR, From HOBSON CITY, AL, To ALEXANDRIA, AL.

DATES: Comments may be filed through March 25, 2008.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Tung Bui, 202–418–2700.

SUPPLEMENTARY INFORMATION: The full text of these applications is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street, SW., Washington, DC 20554 or electronically via the Media Bureau's Consolidated Data Base System, *http://svartifoss2.fcc.gov/prod/cdbs/pubacc/prod/cdbs_pa.htm*. A copy of this application may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC, 20554, telephone 1–800–378–3160 or *http://www.BCPIWEB.com.*

Federal Communications Commission.

James D. Bradshaw,

Deputy Chief, Audio Division, Media Bureau.

[FR Doc. E8–1332 Filed 1–24–08; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[WC Docket No. 02–60, FCC 07–198]

Rural Health Care Support Mechanism

AGENCY: Federal Communications Commission.

ACTION: Announcement of effective date.

SUMMARY: On November 16, 2007, in the *Universal Service Rural Health Care Pilot Program Selection Order,* 22 FCC Rcd 20,360 (*2007 RHC Selection Order*), the Commission selected 69 participants for the Universal Service Rural Health Care (RHC) Pilot Program established by the Commission in the *2006 Pilot Program Order,* 71 FR 65517, November 8, 2006, pursuant to section 254(h)(2)(A) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (1996 Act). As a result, selected participants will be eligible to receive funding for up to 85 percent of the costs associated with: (1) The construction of a state or regional broadband networks and the advanced telecommunications and information services provided over those networks; (2) connecting to Internet 2 or National LambdaRail (NLR); and (3) connecting to the public Internet. The information collection requirements in the *2007 RHC Selection Order* required Office of Management and Budget approval. This document announces the effective date of these information collection requirements.

DATES: The information collection requirements became effective on January 17, 2008.

FOR FURTHER INFORMATION CONTACT: Thomas Buckley, Senior Deputy Chief or Jennifer Prime, Attorney, Telecommunications Access Policy Division, Wireline Competition Bureau, (202) 418–7400, TTY (202) 418–0484.

SUPPLEMENTARY INFORMATION: The *2007 RHC Selection Order* stated that the Commission would publish a notice announcing the effective date of the information collection requirements. On January 17, 2008, OMB approved the information collection requirements contained in the *2007 RHC Selection Order* pursuant to OMB Control No. 3060–0804, Universal Service—Rural Health Care Program/Rural Health Care Pilot Program. Accordingly, the information collection requirements contained in the *2007 RHC Selection Order* became effective on January 17, 2008. The expiration date for the information collection is July 31, 2008.

Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), an agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Notwithstanding any other provisions of law, no person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Questions concerning this information collection, 3060–0804, should be directed to Leslie F. Smith, Federal Communications Commission, and (202) 418–0217 or via the Internet at *Leslie.Smith@fcc.gov*.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E8–1323 Filed 1–24–08; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 19, 2008.

A. Federal Reserve Bank of Kansas City (Todd Offenbacker, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. HOTC, Inc., to become a bank holding company by acquiring 100 percent of the voting shares of Wray State Bank, both of Wray, Colorado.

Board of Governors of the Federal Reserve System, January 18, 2008.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E8–1202 Filed 1–24–08; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the

proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 21, 2008.

A. Federal Reserve Bank of Atlanta (David Tatum, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309:

1. Greensburg Bancshares, Inc., to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Greensburg, both of Greensburg, Louisiana.

Board of Governors of the Federal Reserve System January 22, 2008.

Margaret McCloskey Shanks,

Associate Secretary of the Board.

[FR Doc. E8–1306 Filed 1–24–08; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Toxicology Program (NTP); Office of Liaison, Policy and Review; Meeting of the NTP Board of Scientific Counselors Technical Reports Review Subcommittee; Amended Notice

AGENCY: National Institute of Environmental Health Sciences (NIEHS), National Institutes of Health (NIH).

ACTION: Change in agenda.

SUMMARY: The February 27–28, 2008, meeting of the NTP Board of Scientific Counselors was announced in the **Federal Register** (72FR70863) on December 13, 2007. The agenda for the subcommittee meeting has changed. The draft NTP Technical Report on β-myrcene (TR 557) will not be reviewed. The guidelines published in the December 13 notice for submitting public comments or making an oral presentation at the meeting still apply. Any updates to the agenda or additional information and background materials will be posted on the NTP Web site (*http://ntp.niehs.nih.gov/go/15833*) and provided upon request from the Executive Secretary (see **ADDRESSES** below).

ADDRESSES: Public comments and any other correspondence should be submitted to Dr. Barbara Shane, Executive Secretary for the NTP Board (NTP Office of Liaison, Policy and Review Office, NIEHS, P.O. Box 12233, MD A3–01, Research Triangle Park, NC 27709; telephone: 919–541–4253, fax: 919–541–0295; or e-mail: *shane@niehs.nih.gov*).

Dated: January 11, 2008.

Samuel H. Wilson,

Acting Director, National Institute of Environmental Health Sciences and National Toxicology Program.

[FR Doc. E8–1248 Filed 1–24–08; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–08–07AS]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–5960 or send an e-mail to *omb@cdc.gov*. Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–6974. Written comments should be received within 30 days of this notice.

Proposed Project

Focus Group Testing and Survey on Radiological Event Messages for Public Health Workers—New—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

In January 2003, CDC held a roundtable to specifically address communications needs likely to arise in the aftermath of a terrorist event involving mass casualties. Hospital administrators and clinicians, public health practitioners, and emergency planners emphasized the gaps in their training and in their knowledge of how to respond to nuclear or radiological events.

Concurrent with this, CDC began working with the Association of Schools of Public Health (ASPH) to assess knowledge, attitudes, and behaviors related to preparedness for a radiological or nuclear terrorist event in the United States. The strong and clear message delivered to the CDC was that both the professional (e.g., clinicians and public health workers) and the lay American public were unprepared to respond to such an event (Becker 2004). Specifically, clinicians who participated in the research acknowledged a lack of training and preparedness, a potential unwillingness to treat patients if they are perceived as radiologically contaminated, and concerns about public panic and consequent overwhelming of hospitals and other clinical systems. More importantly, findings from the meeting revealed a critical need to assess communication preparedness among public health workers in relation to radiological emergencies.

This proposal addresses the need for the development of clear communication messages in the event of a radiological incident. As part of a cooperative agreement, CDC has contracted with the National Public Health Information Coalition (NPHIC) to collect data from public health workers in 6 states—California, Iowa, Kansas, Michigan, North Carolina and South Carolina—to evaluate a set of messages that have been developed by CDC for public health workers to use before, during and after a radiological event. The 5 communication messages focus on the main concerns expressed by representatives from these 6 states and other participants in audience research. The participating states volunteered for this project. Public health workers referenced in this proposal are nurses, physicians, clinical technicians, administrative, management and support staff and epidemiologists.

CDC's primary goal is to protect the health and safety of the public. Since public health workers are usually first responders in various capacities in the event of a radiological emergency, the need to develop time-sensitive and consistent communication messages is vital. Developing clear messages that can be used by public health workers as an integral part of their radiological emergency plan is consistent with this goal. These message concepts, which range from how to protect the worker and family to the role of the public health worker during a radiological emergency will serve as a reference tool and guidance for state health departments in the event of such situations.

This proposal seeks approval to obtain data using two methods, focus group testing and electronic surveys to achieve greater results. Focus group

testing will be conducted to obtain qualitative data that will be gathered through a series of six focus groups of public health workers, one in each participating state. The focus groups will consist of 12 participants and will be about 1½ hours in length. The focus group testing will assess attitudes, knowledge and emotional responses. Of particular interest will be how the participants might react to radiological concepts pertaining to their roles as public health workers and scenarios that will be included in the messages. Quantitative data will be obtained through a one-time written electronic survey to randomly selected public health workers in the six states. The participants who will be participating in the electronic survey will not be included in the focus group testing.

CDC proposes to use this information to develop a final set of communication messages. The intent is for the messages to be disseminated using various methods and to provide a more consistent platform for states to respond to radiological emergencies. This research will help refine messages that have the ability to increase the percentage of workers who present to deliver services in a radiological emergency. Also, as a result of the study, CDC will have a set of tested public health messages that can allow public health workers to speak with one voice to the general public in a radiological emergency. In addition, the development of these messages will foster collaboration among the states and CDC.

Therefore, CDC requests approval to test one set of five messages among public health workers using focus group testing and electronic surveys. The surveys and focus groups will include questions about how believable the messages are, what would make them more believable, the need for additional information for a clearer understanding of the messages, how and if the messages help them to feel safe, and what would make them easier to understand.

There is no cost to the respondents other than their time. The total estimated annualized burden hours are 782 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form of collecting information	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Public Health Workers	Focus Groups	72	1	90/60
Public Health Workers	E-mail Surveys	2022	1	20/60

Dated:January 16, 2008.

Maryam I. Daneshvar,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E8–1233 Filed 1–24–08; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–08–0692]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–5960 or send an e-mail to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–6974. Written comments should be received within 30 days of this notice.

Proposed Project

A Survey of the Knowledge, Attitudes and Practice of Medical and Allied Health Professionals Regarding Fetal Alcohol Exposure—Revision—National Center on Birth Defects and Developmental Disabilities (NCBDDD), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Maternal prenatal alcohol use is one of the leading, preventable, causes of birth defects and developmental disabilities. Children exposed to alcohol during fetal development can suffer a wide array of disorders, from subtle changes in I.Q. and behaviors to profound mental retardation. These conditions are known as fetal alcohol spectrum disorders (FASDs). The most severe condition within the spectrum is fetal alcohol syndrome (FAS), which involves disorders of the brain, growth retardation, and facial malformations.

Physicians and other health practitioners play a vital role in diagnosing FAS and in screening women of child-bearing age for alcohol consumption and drinking during pregnancy. In Diekman's, et al (2000) study of obstetricians and gynecologists, only one fifth of doctors surveyed reported abstinence to be the safest way to avoid the adverse outcomes associated with fetal alcohol exposure. Importantly, 13% of doctors surveyed were not sure of levels of alcohol consumption associated with adverse outcomes. One of CDC's multifaceted initiatives in combating alcohol-exposed pregnancies is the education and reeducation of medical and allied health students and practitioners.

In fiscal year 2002, the Centers for Disease Control and Prevention (CDC) received a congressional mandate to develop guidelines for the diagnosis of FAS and other conditions resulting from prenatal alcohol exposure; and to incorporate these guidelines into curricula for medical and allied health students and practitioners [Public Health Service Act Section 317K (247b–12) b and c].

In response to the second congressional mandate listed above, CDC proposed five national surveys of health providers. In August of 2005, OMB approved these five surveys under control number 0920–0692. The purposes of the surveys are to assess, among various health care provider groups, their knowledge, attitudes, and practices regarding the prevention, identification, and treatment of FASDs. These health care provider groups are pediatricians, obstetrician-gynecologists (OB–GYNs), psychiatrists, family physicians, and allied health professionals.

The results of the surveys will help to inform further development of model FASD curricula to disseminate among medical and allied health students and professionals nation wide using a variety of formats including computer interactive learning applications,

workshops and conferences, Continuing Medical Education credit courses, and medical and allied health school grand rounds and clerkships. Consistent with OMB's previous terms of clearance, CDC does not expect the results to be generalizable to the larger populations of the professional organizations from which the samples were drawn. Instead, the survey results will provide necessary information to further develop and refine educational materials for medical and allied health students and practitioners and to evaluate their effectiveness. No gifts or compensation will be given to respondents who complete the survey. An average of one survey per year will be conducted.

There are no costs to respondents other than their time. The total estimated annualized burden hours are 375.

ESTIMATED ANNUALIZED BURDEN

Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Pediatricians	900	1	25/60
Obstetrician-Gynecologists	900	1	25/60
Psychiatrists	900	1	25/60
Family Physicians	900	1	25/60
Allied Health Professionals	900	1	25/60

Dated: January 16, 2008.

Maryam I. Daneshvar,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E8–1235 Filed 1–24–08; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30–Day-08–0679]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–5960 or send an e-mail to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–6974. Written comments should be received within 30 days of this notice.

Proposed Project

Division for Heart Disease and Stroke Prevention Management Information System—Revision—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control, Division for Heart Disease and Stroke Prevention (DHDSP) currently funds Heart Disease and Stroke Prevention Programs (HDSPP) in 33 states and the District of Columbia. HDSP programs are population-based, State public health programs that design, implement, and evaluate public health prevention and control strategies to reduce disease, disability and death related to heart disease and stroke, and to reach those populations with disparities related to cardiovascular disease. Support for these programs is a cornerstone of DHDSP efforts to reduce the burden of cardiovascular disease throughout the nation.

Recipients of HDSPP funding are required to submit semi-annual progress reports to CDC via an electronic management information system (OMB no. 0920–0679). Information collected through the MIS allows CDC to monitor, evaluate and manage programs and resources; identify the strengths and weaknesses of individual programs; and disseminate information related to successful public health interventions.

The DHDSP also provides funding for 15 WISEWOMAN projects in 14 states. The WISEWOMAN program offers screening tests for chronic diseases, and lifestyle interventions designed to change behavioral risk factors for chronic diseases. Recipients of WISEWOMAN funding include 13 State health departments and 2 Tribal organizations.

With this Revision, questions specific to the WISEWOMAN program will be incorporated into the Cardiovascular Health Branch MIS, and recipients of WISEWOMAN funding will be added as new respondents. In addition, the name of the MIS will be changed from the Cardiovascular Health Branch MIS to the Division for Heart Disease and Stroke Prevention MIS, to reflect organizational changes within CDC.

There are no costs to respondents other than their time. The estimated annualized burden hours are 588.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Heart Disease and Stroke Prevention Programs	34	2	6
WISEWOMAN Programs	15	2	6

Dated: January 16, 2008.

Maryam I. Daneshvar,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E8–1257 Filed 1–24–08; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–08–07BR]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–5960 or send an e-mail to *omb@cdc.gov*. Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–6974. Written comments should be received within 30 days of this notice.

Proposed Project

National Survey of Residential Care Facilities (NSRCF) 2008–2010—New—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C. 242k), as amended, authorizes that the Secretary of Health and Human Services (DHHS), acting through NCHS, shall collect statistics on the extent and nature of illness and disability of the population of the United States.

The National Survey of Residential Care Facilities (NSRCF) is a new collection. It is designed to complement data collected by other federal surveys and to fill a significant data gap about a major portion of the long-term care population. Data from the NSRCF will provide a database on residential care facilities that researchers and policymakers can use to address a wide array of research and policy questions. The survey will utilize a computer-assisted personal interviewing (CAPI) system to collect information about facility and resident characteristics. This computerized system speeds the flow of data making it possible to release information on a more timely basis and makes it easier for respondents to participate in the survey.

A stratified random sample of residential care facilities across four strata (small, medium, large and extra large) will be selected to participate in the NSRCF. Within each facility a random sample of residents will be selected. To be eligible a facility must have four or more beds, be licensed, certified, or registered and provide or arrange for 24 hour supervision and personal care services for residents.

The facility questionnaire will collect data about facility characteristics (size, age, types of rooms), services offered, characteristics of the resident population, facility policies and services, costs of services, and background of the administrator. The Resident Questionnaire collects information on resident demographics, current living arrangements within the facility, involvement in activities, use of services, charges for care, health status, and cognitive and physical functioning.

In the pretest 25 facility administrators, and 25 facility staff serving as respondents will be interviewed on an annualized basis, for a total of 75 facilities. Residents themselves will not be interviewed. For the national survey, approximately 2,250 facilities will be surveyed for an annual average of 750. Information on an average of 5 residents each will be collected.

Anticipated users of NSRCF data include, but are not limited to the CDC; the Congressional Research Office; the Bureau of Health Professions, Health Resources and Services Administration; the Office of the Assistant Secretary for Planning and Evaluation (ASPE); the Agency for Healthcare Research and Quality; the American Association of Homes and Services for the Aging; the National Hospice and Palliative Care Organization; American Health Care Association, Centers for Medicare and Medicaid Services (CMS), Bureau of the Census; and AARP. Other users of these data include universities, contract research organizations, many in the private sector, foundations, and a variety of users in the print media. There is no cost to respondents other than their time to participate. The total estimated annualized burden hours are 2,778.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Pretest			
Facility Administrator (Facility Screener)	25	1	10/60
Facility Administrator (Advance Data Collection Form)	25	1	15/60
Facility Administrator (Facility Questionnaire)	25	1	40/60
Facility Staff (Resident Questionnaire)	25	5	30/60
National Survey			
Facility Administrator (Facility Screener)	750	1	10/60
Facility Administrator (Advance Data Collection Form)	750	1	15/60
Facility Administrator (Facility Questionnaire)	750	1	40/60
Facility Staff (Resident Questionnaire)	750	5	30/60

Dated: January 16, 2008.

Maryam I. Daneshvar,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E8–1260 Filed 1–24–08; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): FY 2008 National Office of Public Health Genomics (NOPHG) Seed Grants

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date:

1 p.m.–5 p.m., February 11, 2008 (Closed).
1 p.m.–5 p.m., February 12, 2008 (Closed).
1 p.m.–5 p.m., February 13, 2008 (Closed).
1 p.m.–5 p.m., February 14, 2008 (Closed).
1 p.m.–5 p.m., February 15, 2008 (Closed).
1 p.m.–5 p.m., February 19, 2008 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in section 552b(c) (4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the review, discussion, and evaluation of proposals submitted in response to the FY 2008 NOPHG Seed Grants announcement.

Contact Person for More Information: Brenda Colley Gilbert, Director, Extramural Research Program Office, Coordinating Center for Health Promotion, CDC, 1600 Clifton Road, NE., Mailstop K92, Atlanta, GA 30333, Telephone (770) 488–8390.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: January 18, 2008.

Diane Allen,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E8–1274 Filed 1–24–08; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket Number NIOSH–123]

Notice of Opportunity for Public to Provide NIOSH with Comment: Positive-Pressure Closed-Circuit Self-Contained Breathing Apparatus

AGENCY: The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services.

ACTION: (1) *Notice of opportunity for public to provide NIOSH with comment* on the public's reevaluation of NIOSH limitations on and precaution for safe use of positive-pressure closed-circuit self-contained breathing apparatus, Authority: Public Law 91–596. (2) *Notice of opportunity for manufacturers and stakeholders to provide NIOSH with input* on the NIOSH prohibition against using a respirator which uses a breathing gas of pure oxygen during direct exposure to open flames and/or high radiant heat.

SUMMARY: The NIOSH, National Personal Protective Technology Laboratory (NPPTL), is currently reevaluating its limitations on and precaution for safe use of positive-pressure closed-circuit self-contained breathing apparatus. As stated in the **Federal Register** (Vol. 50, No. 222, pages 47456–47457 dated Monday, November 18, 1985) NIOSH's position on this topic is that:

Available information does not demonstrate to the satisfaction of NIOSH that positive-pressure closed-circuit self-contained breathing apparatus which use a breathing gas of pure oxygen can be used during direct exposure to open flames and/or high radiant heat and assure the wearer's safety. Therefore, NIOSH has determined that until it has been demonstrated to the satisfaction of NIOSH that those devices can be worn under such conditions, it is prudent to presently limit the use of positive-pressure closed-circuit self-contained breathing apparatus which use pure oxygen breathing gas to mines and mining atmospheres which do not involve exposure to open flames or high radiant heat.

Background: NIOSH/NPPTL is currently developing performance concepts as part of the rulemaking process to develop a Closed-Circuit Self-Contained Breathing Apparatus (CC–SCBA) Module. This process has identified that flame and heat durability requirements need to be considered as part of the module. On possible inclusion to the requirements is the National Fire Protection Agency (NFPA) Heat and Flame Test, NFPA 1981, Section 8.11. NIOSH has conducted laboratory testing on two (2) different manufacturer's apparatus. In the initial testing, NFPA testing procedures were followed with the exception that a ''dummy'' cylinder was used in lieu of the oxygen cylinder. Test results were encouraging and were presented at NIOSH/NPPTL public meetings held on July 19, 2005 and on October 12, 2006. Arrangements are being made to conduct the same tests with full oxygen cylinders.

Additional research was garnered through testing conducted at a second laboratory. NPPTL personnel witnessed a Flame Engulfment Test. In Germany, Department 8 of the Association for the Promotion of German Fire Safety (VFDB) has included in its Guideline 0802 the same requirements for Close-Circuit Breathing Apparatus that has been written into the draft European Standard EN137 for Open-circuit Compressed Air Breathing Apparatus for flame engulfment. In this Directive, if special thermal loads for protective equipment cannot be excluded during tactical operation, the device must pass the flame engulfment test which is described in Appendix D. Their flame engulfment test is similar to NFPA's. In addition, this directive requires that when using closed-circuit compressed air breathing apparatus, type positive pressure with mixed gas supply (N_2, O_2) with an oxygen content of ≥ 30% by volume in the breathing circuit risks by oxygen emerging from a leakage in the mask cannot be excluded. These devices must pass the oxygen flame engulfment test procedure described in appendix G as follows:

- Simulate possible oxygen enrichment under a firefighter helmet according to EN 443 through a defined leakage in the respiratory protective mask (2.5 mm, 10 mm above the right temple strap). The test set-up simulates real conditions by equipping the test head with real hair, a flame protection hood and the respective neck curtains.
- Flame engulfment test is in accordance with Appendix D
  - ○ Device is attached to a test dummy and preheated in an oven at 90 ± 5° C for 15 minutes
  - ○ Complete unit is then exposed to direct flames for 10 seconds
  - ○ Test dummy with the apparatus is then lifted to 150 ± 5/0 mm and dropped
  - ○ During the entire test, the device is connected to a breathing machine. The pass/fail criteria are:

• Device must not continue to burn for more than 5 seconds
• No component that secures the device to the user's body or that secures the cylinder must come off or be displaced
• Breathing resistance as per EN 137 are met
• The test head must not continue to burn for more than 5 seconds.

The closed-circuit self-contained breathing apparatus used in the test witnessed by NIOSH/NPPTL personnel successfully passed all of the listed criteria.

Additionally, the National Institute of Standards and Technology (NIST), Building and Fire Research Laboratory, Fire Research Division has provided a computational fluid dynamic (CFD) study of oxygen dissipation into the environment surrounding a respirator facepiece. For this study, 3-dimensional scans were taken of actual heads and masks for use in the CFD software. Leak geometries representing an imperfect seal were defined. Other variables included oxygen concentration fields and flow streamlines for multiple combinations of fuel and air in the surrounding environment, content of the leak, various breathing patterns, etc. Conclusions reached during the study were:

• Oxygen expelled through leak in respirator is propelled away from head region through advection and dissipates through diffusion.
• Risk of flammable mixture near head is observed in 10% propane environment.
• This is an extreme environment (fuel-rich, near flammable mixture.)
• In case of flammable environment, oxygen leak results in small, fuel-lean region near head.
• In fuel-lean environment, oxygen further decreases fuel concentration.

NIST Technical Note 1484 titled, ''A Computational Model of Dissipation of Oxygen from an Outward Leak of a Closed-Circuit Breathing Device'' available through the internet at this link, *http://fire.nist.gov/bfrlpubs/fire07/PDF/f07024.pdf* chronicles the research work completed by NIST.

Through this announcement, NIOSH/NPPTL is seeking input from stakeholders and manufacturers to determine the following:

1. Opinion on the current prohibition.
2. Provide supporting data to maintain, modify, or rescind the current prohibition.
3. If additional research is needed to support rescinding the prohibition, what would it entail?
4. Willingness to participate in a collaborative agreement with NIOSH/NPPTL to conduct research on this topic and support willing to provide.
5. Other comments on the subject.

Public Comment Period: Submit input to the NIOSH Docket Office within 60 days after the date of publication of this notice in the **Federal Register**. Reference Docket Number NIOSH–123 in comments.

ADDRESSES: Input can be submitted by:

• *Mail:* NIOSH Docket Office, Robert A. Taft Laboratories, M/S C 34, CC SCBA O_2 Prohibition—NIOSH Docket Number 123, 4676 Columbia Parkway, Cincinnati, OH 45226.
• *E-mail:* niocindocket@cdc.gov.
• *Fax:* (513) 533–8285.
• *Phone:* (513) 533–8303.
• *NPPTL Web Site: http://www.cdc.gov/niosh/npptl.*

Contact Person for Technical Information: Timothy R. Rehak at 412–386–6866 or e-mail: *ter1@cdc.gov.*

Dated: January 16, 2008.

James D. Seligman,

Chief Information Officer, Centers for Disease Control and Prevention.

[FR Doc. E8–1273 Filed 1–24–08; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: April 2008 Current Population Survey Supplement on Child Support.

OMB No.: 0992–0003.

Description: Collection of these data will assist legislators and policymakers in determining how effective their policymaking efforts have been over time in applying the various child support legislation to the overall child support enforcement picture. This information will help policymakers determine to what extent individuals on welfare would be removed from the welfare rolls as a result of more stringent child support enforcement efforts.

Respondents: Individuals and households.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Child Support Survey	41,300	1	.0241666	998

Estimated Total Annual Burden Hours: 998

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, *Attn:* ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, *Fax:* 202–395–6974, *Attn:* Desk Officer for the Administration for Children and Families.

Dated: January 17, 2008.

Janean Chambers,

Reports Clearance Officer.

[FR Doc. 08–267 Filed 1–24–08; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Anesthetic and Life Support Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Anesthetic and Life Support Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on March 11, 2008, from 8:30 a.m. to 5 p.m.

Location: Hilton Washington DC/Silver Spring, Maryland Ballroom, 8727 Colesville Rd., Silver Spring, MD. The hotel phone number is 301–589–5200.

Contact Person: Mimi Phan, Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, (for express delivery, 5630 Fishers Lane, rm. 1093), Rockville, MD 20857, 301–827–7001, FAX: 301–827–6776,e-mail: *mimi.phan@fda.hhs.gov*, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in Washington, DC area), code 3014512529. Please call the Information Line for up-to-date information on this meeting. A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the agency's Web site and call the appropriate advisory committee hotline/phone line to learn about possible modifications before coming to the meeting.

Agenda: The committee will discuss the new drug application (NDA) 22–225, sugammadex sodium injection (proposed tradename BRIDION), Organon USA Inc., for the proposed indication of routine reversal of shallow and profound neuromuscular blockade (NMB) induced by rocuronium or vecuronium and immediate reversal of NMB at three minutes after administration of rocuronium. FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/ohrms/dockets/ac/acmenu.htm*, click on the year 2008 and scroll down to the appropriate advisory committee link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before February 26, 2008. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those desiring to make formal oral presentation should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before February 15, 2008. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by February 19, 2008.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Mimi Phan at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/oc/advisory/default.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: January 17, 2008.

Randall W. Lutter,

Deputy Commissioner for Policy.

[FR Doc. E8–1239 Filed 1–24–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Oncologic Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Oncologic Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on March 12, 2008, from 8 a.m. to 5 p.m. and on March 13, 2008, from 8 a.m. to 4 p.m.

Location: Holiday Inn, The Ballrooms, 2 Montgomery Village Ave., Gaithersburg, MD, 301–948–8900.

Contact Person: Nicole Vesely, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane, (for express delivery, 5630 Fishers Lane, rm. 1093), Rockville, MD 20857, 301–827–6793, FAX: 301–827–6776, e-mail: *nicole.vesely@fda.hhs.gov*, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014512542. Please call the Information Line for up-to-date information on this meeting. A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the agency's Web site and call the appropriate advisory committee hot line/phone line to learn about possible modifications before coming to the meeting.

Agenda: On March 12, 2008, the committee will discuss: (1) Biologic license application (BLA) 125268, proposed trade name NPLATE (romiplostim), Amgen Inc., proposed indication for the treatment of thrombocytopenia in adults with chronic immune (idiopathic) thrombocytopenia purpura who are nonspelenectomized and have had an inadequate response or are intolerant to corticosteroids and/or immunoglobulins; or patients who are splenectomized and have an inadequate response to splenectomy, and (2)

supplemental biologics license application (sBLA) 103949/5153, PEGINTRON (peginterferon alfa-2b), Schering Corp., proposed indication for adjuvant treatment of melanoma. On March 13, 2008, the committee will discuss the cumulative data, including recent study results, on the risks of erythropoeisis-stimulating agents when administered to patients with cancer. Agents to be discussed include ARANESP (darbepoetin alfa), EPOGEN (epoetin alfa), PROCRIT (epoetin alfa, Amgen, Inc.), and MIRCERA (methoxy polyethylene glycol-epoetin beta, Hoffman-La Roche Inc.). This is a followup to the May 10, 2007, Oncologic Drugs Advisory Committee Meeting.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/ohrms/dockets/ac/acmenu.htm*, click on the year 2008 and scroll down to the appropriate advisory committee link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before February 27, 2008. Oral presentations from the public will be scheduled between approximately 10:30 a.m. to 11 a.m., and 3:30 p.m. to 4 p.m. on March 12, 2008, and between approximately 1 p.m. to 2 p.m. on March 13, 2008. Those desiring to make formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before February 19, 2008. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by February 20, 2008.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Nicole Vesely at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/oc/advisory/default.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: January 17, 2008.

Randall W. Lutter,

Deputy Commissioner for Policy.

[FR Doc. E8–1295 Filed 1–24–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Pediatric Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Pediatric Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues. The committee also advises and makes recommendations to the Secretary of Health and Human Services under 45 CFR 46.407 on research involving children as subjects that is conducted or supported by the Department of Health and Human Services, when that research is also regulated by FDA.

Date and Time: The meeting will be held on Tuesday, March 25, 2008, from 8 a.m. to 5 p.m.

Location: Hilton, Washington DC North/Gaithersburg, Grand Ballroom, 620 Perry Pkwy., Gaithersburg, MD.

Contact Person: Carlos Peña, Office of Science and Health Coordination, Office of the Commissioner (HF–33), Food and Drug Administration, 5600 Fishers Lane (for express delivery, rm. 14B–08), Rockville, MD 20857, 301–827–3340, e-mail: *carlos.peña@fda.hhs.gov*, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 8732310001. Please call the Information Line for up-to-date information on this meeting. A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site and call the appropriate advisory committee hot line/phone line to learn about possible modifications before coming to the meeting.

Agenda: On March 25, 2008, the Pediatric Advisory Committee will hear and discuss reports by the agency, as mandated in section 17 of the Best Pharmaceuticals for Children Act, on adverse event reports for TOPROL XL (metoprolol), BREVIBLOC (esmolol HCl), LOTENSIN (benazepril), COREG (carvedilol), COLAZAL (balsalazide), ELOXATIN (oxaliplatin), CELEBREX (celecoxib), and SUPRANE (desflurane).

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/ohrms/dockets/ac/acmenu.htm*, click on the year 2008 and scroll down to the appropriate advisory committee link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before March 3, 2008. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. on March 25, 2008. Those desiring to make formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before February 22, 2008. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may

conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by February 25, 2008.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Carlos Peña at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/oc/advisory/default.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: January 17, 2008.

Randall W. Lutter,

Deputy Commissioner for Policy.

[FR Doc. E8–1296 Filed 1–24–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Request for Nominations for Voting Consumer Representative Members on Public Advisory Committees

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for voting consumer representatives to serve on the Cellular, Tissue, and Gene Therapies Advisory Committee and the Allergenic Products Advisory Committee in the Center for Biologics Evaluation and Research (CBER). Nominations will be accepted for vacancies that will occur through August 31, 2008.

DATES: Nominations will be accepted for those voting consumer representative vacancies that will occur on or before August 31, 2008. Nominations submitted on or before April 1, 2008, will be given first consideration for membership on the Cellular, Tissue, and Gene Therapies Advisory Committee and the Allergenic Products Advisory Committee. Nominations received after April 1, 2008, will be considered for nomination to the committee should nominees still be needed.

ADDRESSES: All nominations for membership should be sent electronically to *CV@OC.FDA.GOV*, or by mail to Advisory Committee Oversight and Management Staff (HF–4), 5600 Fisher Lane, rm. 15A–12, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Regarding all nomination questions for membership, the primary contact is Gail Dapolito, Center for Biologics Evaluation and Research, 301–827–0314, FAX: 301–827–0294, e-mail: *Gail.Dapolito@fda.hhs.gov*. Information about becoming a member on an FDA advisory committee can also be obtained by visiting FDA's Web site at *http://www.fda.gov/oc/advisory/default.htm*.

SUPPLEMENTARY INFORMATION: FDA is requesting nomination for voting consumer representative members on the following CBER committees:

I. Functions

A. Cellular, Tissue, and Gene Therapies Advisory Committee

The committee reviews and evaluates available data relating to the safety, effectiveness, and appropriate use of human cells, human tissues, gene transfer therapies, and xenotransplantation products which are intended for a broad spectrum of human diseases and in the reconstruction, repair, or replacement of tissues for various conditions. The committee also considers the quality and relevance of FDA's research program which provides scientific support for the regulation of these products, and makes appropriate recommendations to the Commissioner of Food and Drugs (the Commissioner).

B. Allergenic Products Advisory Committee

The committee reviews and evaluates available data concerning the safety, effectiveness, and adequacy of labeling of marketed and investigational allergenic biological products or materials that are administered to humans for the diagnosis, prevention, or treatment of allergies and allergic disease. The committee also makes appropriate recommendations to the Commissioner on its findings regarding the affirmation or revocation of biological product licenses, the safety, effectiveness, and labeling of the products, clinical and laboratory studies of such products, amendments or revisions to regulations governing the manufacture, testing, and licensing of allergenic biological products, and on the quality and relevance of FDA's research programs which provide the scientific support for regulating these agents.

II. Criteria for Members

Persons who are nominated for membership as consumer representatives on the committees must meet the following criteria: (1) Demonstrate ties to consumer and community-based organizations, (2) be able to analyze technical data, (3) understand research design, (4) discuss benefits and risks, and (5) evaluate the safety and efficacy of products under review. The consumer representative must be able to represent the consumer perspective on issues and actions before the advisory committee; serve as a liaison between the committee and interested consumers, associations, coalitions, and consumer organizations; and facilitate dialogue with the advisory committee on scientific issues that affect consumers.

III. Selection Procedures

The selection of members representing consumer interests is conducted through procedures that include the use of organizations representing the public interest and consumer advocacy groups. The organizations have the responsibility of recommending candidates of the agency's selection.

IV. Nomination Procedures

All nominations must include a cover letter, a curriculum vitae or resume (that includes the nominee's office address, telephone number, and e-mail address), and a list of consumer or community-based organizations for which the candidate can demonstrate active participation. Any interested person or organization may nominate one or more qualified persons for membership to represent consumer interests on one or more of the advisory committees. Self-nominations are also accepted. FDA will ask the potential candidates to provide detailed information concerning such matters as financial holdings, employment, and research grants and/or contracts to permit evaluation of possible sources of a conflict of interest. The nomination should specify the committee(s) of interest. The term of office is up to 4 years, depending on the appointment date.

FDA has a special interest in ensuring that women, minority groups, and individuals with disabilities are adequately represented on its advisory committees and, therefore, encourages nominations of qualified candidates from these groups.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to advisory committees.

Dated: January 17, 2008.

Randall W. Lutter,

Deputy Commissioner for Policy.

[FR Doc. E8–1297 Filed 1–24–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2007P–0028]

Determination That SEROQUEL (Quetiapine Fumarate) Tablets, 150 Milligrams, Were Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined that SEROQUEL (quetiapine fumarate) tablets, 150 milligrams (mg), were not withdrawn from sale for reasons of safety or effectiveness. This determination will allow FDA to approve abbreviated new drug applications (ANDAs) for quetiapine fumarate tablets, 150 mg, if all other legal and regulatory requirements are met.

FOR FURTHER INFORMATION CONTACT: Quynh Nguyen, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

SUPPLEMENTARY INFORMATION: In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products approved under an ANDA procedure. ANDA applicants must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the ''listed drug,'' which is a version of the drug that was previously approved. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA). The only clinical data required in an ANDA are data to show that the drug that is the subject of the ANDA is bioequivalent to the listed drug.

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is generally known as the ''Orange Book.'' Under FDA regulations, drugs are removed from the list if the agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (§ 314.162 (21 CFR 314.162)).

Under § 314.161(a)(1) (21 CFR 314.161(a)(1)), the agency must determine whether a listed drug was withdrawn from sale for reasons of safety or effectiveness before an ANDA that refers to that listed drug may be approved. FDA may not approve an ANDA that does not refer to a listed drug.

SEROQUEL (quetiapine fumarate) tablets, 150 mg, along with the 25–mg, 50–mg, 100–mg, 200–mg, 300–mg, and 400–mg strengths, are the subject of approved NDA 20–639 held by AstraZeneca Pharmaceuticals LP (AstraZeneca). SEROQUEL (quetiapine fumarate) tablets are in a class of medications called atypical antipsychotics. Antipsychotic medicines are used to treat symptoms of schizophrenia. SEROQUEL (quetiapine fumarate) tablets may be used alone or with lithium or divalproex to treat acute manic episodes in adults who have a condition called Bipolar I Disorder.

AstraZeneca obtained approval to market the 150–mg strength of SEROQUEL (quetiapine fumarate) tablets on December 20, 1998. Lachman Consultant Services, Inc., submitted a citizen petition dated January 16, 2007, (Docket No. 2007P–0028/CP1), under 21 CFR 10.30, requesting that the agency determine, as described in § 314.161, whether SEROQUEL (quetiapine fumarate) tablets, 150 mg, were withdrawn from sale for reasons of safety or effectiveness. After considering the citizen petition (including the comment(s) submitted) and reviewing agency records, the agency has determined that AstraZeneca's SEROQUEL (quetiapine fumarate) tablets, 150 mg, were not withdrawn from sale for reasons of safety or effectiveness. AstraZeneca has never marketed SEROQUEL (quetiapine fumarate) tablets, 150 mg, in the United States, although the 150–mg tablets are marketed in some countries outside the United States. In previous instances (see, e.g., 67 FR 79640, December 30, 2002 (addressing a relisting request for Diazepam Autoinjector)), the agency has determined that, for purposes of §§ 314.161 and 314.162, never marketing an approved drug product in the United States is equivalent to withdrawing the drug from sale.

The petitioner identified no data or other information suggesting that SEROQUEL (quetiapine fumarate) tablets, 150 mg, were withdrawn from sale as a result of safety or effectiveness concerns. AstraZeneca has marketed other strengths of SEROQUEL (quetiapine fumarate) tablets: 25 mg, 50 mg, 100 mg, 200 mg, 300 mg, and 400 mg. The agency has reviewed its files for records concerning the withdrawal of SEROQUEL (quetiapine fumarate) tablets, 150 mg. There is no indication that AstraZeneca decided not to market SEROQUEL (quetiapine fumarate) tablets, 150 mg, in the United States for safety or effectiveness reasons. FDA has independently evaluated relevant literature and data for reports of adverse events and has found no information that would indicate that SEROQUEL (quetiapine fumarate) tablets, 150 mg, were withdrawn for reasons of safety or effectiveness.

FDA determines that for the reasons outlined in this document, AstraZeneca's SEROQUEL (quetiapine fumarate) tablets, 150 mg, were not withdrawn from sale for reasons of safety or effectiveness. Accordingly, the agency will continue to list SEROQUEL (quetiapine fumarate) tablets, 150 mg, in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. ANDAs that refer to SEROQUEL (quetiapine fumarate) tablets, 150 mg, may be approved by the agency as long as they meet all relevant legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for Seroquel (quetiapine fumarate) tablets, 150 mg, should be revised to meet current standards, the agency will advise ANDA applicants to submit such labeling.

Dated: January 16, 2008.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E8–1298 Filed 1–24–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Strategy To Support Health Information Technology Among HRSA's Safety Net Providers

AGENCY: Health Resources and Services Administration (HRSA), HHS.

ACTION: Response to **Federal Register** notice (71 FR 54829) published on September 19, 2006, regarding strategies to support health information technology (HIT) among Health Resources and Services Administration's (HRSA) safety net providers—Solicitation of Comments.

SUMMARY: The following represents a series of respondents' comments and the Health Resources and Services Administration's (HRSA) responses to the comments regarding the **Federal Register** notice (FRN): September 19, 2006 (71 FR 54829). The FRN proposed strategies to support health information technology (HIT) among safety net providers, and requested comments on HIT topic areas addressing quality improvement, collaboration, general network-related issues, specific health center controlled network (HCCN) related issues, sustainability and building HIT capacity. HRSA received a total of 53 comments from a broad range of stakeholders, including State health departments, non-profit organizations, individual healthcare providers and the health information technology industry. HRSA's responses reflect activities within the Office of Health Information Technology (OHIT) that include, but are not limited to, the development of an HRSA HIT strategic plan, technical assistance resources including the establishment of the HRSA HIT virtual community, the development of HIT online toolboxes tailored to the needs of various HRSA programs, a TA resource center, and the development of funding opportunities. The comments have helped, in part, to shape the direction and activities of OHIT.

FOR FURTHER INFORMATION CONTACT: Susan Lumsden, Division of Health Information Technology State and Community Assistance, Office of Health Information Technology, Health Resources and Services Administration, 5600 Fishers Lane, 7C–26, Rockville, Maryland 20857, *slumsden@hrsa.gov*.

SUPPLEMENTARY INFORMATION: In accordance with Public Health Service Act, Title III, section 330(e) (1) (C), and 330(c)(1)(B) and 330(c)(1)(C).

I. General Comments

The general comments focused on the areas of HIT resources and funding eligibility, sustainability and stability, standardization, population health, and technical assistance.

Comment(s): On the issue of HIT resources, comments indicated a need for competent staff at safety net provider organizations that have a solid knowledge of HIT infrastructure, readiness assessment and maintenance. Several comments also noted that successful applicants need to demonstrate that they will be able to foster partnerships to fully implement electronic health records (EHR) across a network. In addition, comments indicated that other entities, in addition to 330 grantees, should be eligible to apply for the Health Center Controlled Network (HCCN) grants, including Federally Qualified Health Centers (FQHC) Look-Alikes and non-330 funded clinics.

Response: HRSA included the importance of competent staff as well as the strength of the partnerships into its HIT application guidances. In terms of funding eligibility, since the authority for the funding is in accordance with section 330(e)(1)(C) of the Public Health Service (PHS) Act (42 U.S.C. 254b), as amended and/or with section 330(c)(1)(C) and 330(c)(1)(B), 42 U.S.C. 254b (as amended), 330 grantees must be the lead organization and maintain 51% control of the network. However, other entities are encouraged to join in any networks that are created.

Comment(s): Several comments noted that health centers cannot replace decreased funding to Networks which have historically supported clinical initiatives, quality initiatives and market based efforts. Comments expressed concerns that there is currently no incentive or directive for FQHCs to ''transfer'' funding from 330 grants to a Network to underwrite services. Comments noted that fiscal improvements and cost efficiencies obtained through collaborative work are plowed back into the HCCN member health centers' bottom lines and not as readily into the HCCN infrastructure, notably because the mission of health centers does not include building for-profit or other non-profit organizations. Comments noted that HCCNs need to develop business plans to prove their value to community stakeholders (including local businesses) in order to structure their requests to large corporations and foundations. As a corollary to the business plan, a comprehensive marketing plan will be needed to attract new members.

Response: HRSA plans to use the HCCN model for HIT adoption because of their business model in terms of cost efficiencies, the ability to attract competent staff, and most of all, their mission and ability to strengthen the health centers' operations in the marketplace. HRSA believes that no one source of funding will be sufficient to pay for EHRs and other HIT initiatives and that sustainability after Federal funding will be expected. The program expectation for HIT funding is for grantees to move to self-sufficiency within the project period. Short-term funding will allow organizations to deal with high initial cost and to implement the HIT while adopting new business models, identifying cost efficiencies and partnerships. This will lead to enhanced care management and health outcomes, while preserving the Network's main health center mission and functions.

Comment(s): Comments noted the need for standardization of performance and health outcome measurements that support interoperability and data sharing. They also noted the need to consider the reliability of such measurements when applied to special populations, and that HRSA should collaborate with health centers to develop such measures. One comment also recommended that HRSA work directly with the Office of the National Coordinator for Health Information Technology (ONC) and its standard-setting activities.

Response: One of HRSA's goals is to assist with the integration of performance outcome and quality improvement measurement with reporting requirements across the agency programs. HRSA is aware of data and statistical challenges of measurement for special populations. In addition, HRSA is working closely with ONC in its efforts to adopt uniform HIT standards. HRSA encourages safety net providers to participate in public comment periods around such standard-setting activities.

Comment(s): Several comments emphasized population management technology as a means to improve health outcomes, and to address special populations in need of quality healthcare and reduce disparities.

Response: HRSA's HIT funding opportunities encourage HIT projects that help grantees and patients manage health care in ways that are quantifiable or produce quantifiable results. In addition, HRSA is working closely with other Federal Agencies to share best practices as they approach HIT from a population health perspective.

Comment(s): The comments also noted a need for technical assistance in

the areas of basic HIT readiness and implementation requirements, HIT strategies on sustainability and stability, support services, HIT integration with other clinical and administrative initiatives, evaluation and performance measurement as well as reporting.

Response: HRSA intends to include these comments for consideration into its HIT strategic planning and HIT technical assistance and related activities. HRSA has conducted several focus groups to date around technical assistance needs. The resulting TA resources, such as online toolboxes, will serve as dynamic resources to meet the changing needs of grantees over time.

II. Quality Improvement

Quality improvement comments focused on quality in general, public health and safety issues that could be addressed with the appropriate use of HIT in the safety net organizations, recommendations to assure improving quality is the ultimate goal of HRSA's HIT strategy, and finally, recommendations on specific performance measures that indicate progress/success of HRSA-funded HIT initiatives.

Comment(s): Several comments asserted that quality and safety could be improved with effective HIT use in the areas of increased patient access, decreased adverse drug events and increased communication among providers which can ultimately lead to a decrease in medical errors. The appropriate use of HIT was indicated to increase the quality and safety of health care by aiding in health prevention, tracking immunization, diagnostic tests and procedures reminders, provider prompts, proper patient identification based on Joint Commission on Accreditation of Healthcare Organizations (JCAHO) standards, integrated patient registries, continuity and coordination of care and patient treatment compliance. In addition, it was noted that HIT can prevent duplication of laboratory and radiology services, reduce waiting time, improve patient education, track population health trends and accelerate response to a disease outbreak. Several comments affirmed that electronic prescriptions will help with the appropriate identification and referral of drug seeking patients and help track compliance patterns. Comments stressed that clinical decision-trees based on best practices can enhance the quality of health care. Furthermore, HIT can aid in reducing health care disparities by tracking regional, local, State, and national outcome measurements for specific interventions. In turn, this can assist in the establishment of evidenced-based best practices that meet the often complex needs of underserved populations. The comments also noted the advantage of forming various partnerships within the Federal and private sectors in developing standards that will address the timeliness and quality of data captured. As a result, any outcome areas that need improvement will be properly identified and HRSA will be able to mentor grantees in the areas where they need assistance. The addition of data warehouse capability was suggested, combined with highly capable analysis and reporting tools to provide the information needed to assist quality assurance and quality improvement programs on both the network and health center level, as well as providing surveillance and assistance in state and national reporting. It was also suggested that data be made available for epidemiological studies at the network or national level.

Response: HRSA concurs that HIT is a tool that can be used to improve quality and safety; HRSA delineates the significance of aligning quality measures and having grantees report on such measures in the funding opportunities. HRSA has included specific measures in its funding opportunities to address the areas of effectiveness, efficiency and safety to measure the impact of HIT on quality. Moreover, HRSA is working internally across its Bureaus, Programs and Offices, and externally with other Federal agencies, existing grantees, associations, Networks and other partners to develop new reporting requirements for clinical outcomes and other program data. The agency's goal is to simplify and integrate performance measurement information reporting.

Comment(s): One comment stressed that the adoption of electronic health records does not automatically lead to quantum improvements in the quality of health care. In its estimation, quality could be improved if Federally Qualified Health Centers have action plans to achieve stability, an effective management team, and the development of at least one Quality Improvement leader. In one observer's view, it is not the use of EHRs and data management that improves quality and reduces disparities, but instead it is the use of population management software. In its view, EHR systems improve the legibility of documentation and ease of access of data of an individual patient but do not do the same for populations of patients. Population management software systems are much less complex and less expensive than EHRs which allow health center staff more time to manage their patients instead of managing the EHR system. In this observer's view, HRSA should consider promoting adoption of population management systems as a step towards building capacity for quality improvement of population health. In turn, this would help ensure that future EHR vendor selections would look critically at the population management issue, and the workflows developed with EHR implementation would not unintentionally hurt quality.

Response: HRSA views HIT as a tool that can be used to improve the quality of care. While published research recognizes that many quality improvements can come from registries, others may not be achievable with this tool such as medication error prevention and live clinical decision support; for example, EHRs that integrate population management tools represent an ideal future model.

HRSA recognizes that effective implementation of HIT system improvements in care delivery settings requires organizational leadership commitment, clear definition of goals, and effective planning. HRSA grantees occupy a spectrum of organizational readiness to implement EHRs, and HRSA intends to assure its HIT strategy is flexible enough to support the appropriate range of individualized HIT needs and capabilities.

Comment(s): In terms of assuring linking quality of care and improvement of patient outcomes to HRSA HIT strategy, comments included a range of recommendations on the development and implementation of performance measures. Comments focused on HRSA's clinical collaboratives to help link quality of care to improvement of patient outcomes using HIT strategies. One comment stated that rather than opening up opportunities for criticism of performance, the goal of performance measures should be the sharing of the results and demonstration of a system that will result in clinical quality improvement.

Response: HRSA is committed to demonstrating the impact of its programs on the underserved populations served by the agency. As such, HRSA acknowledges the significance of having grantees report on a core set of measures and incorporates this into funding opportunities. HRSA also acknowledges that the measures should be appropriate to the various stages of HIT adoption and integration among our grantees. One of HRSA's goals is to coordinate, simplify, and improve its systems of reporting. This has begun with the Electronic Handbook

(EHB) as well as the alignment of performance measurement across HRSA programs. HRSA's OHIT and Center for Quality (CQ) are working very closely together to align the efforts in HIT adoption and quality improvement.

Comment(s): One comment stated that ensuring access to a comprehensive panel of services is paramount to quality of care outcomes. It was illustrated that providing comprehensive primary care without an integrated service system linking safety-net providers to secondary and tertiary care providers has created an increasing health disparity based on socio-economic status and ethnicity. Networks providing clinical integration for access to specialty and hospital-based services for patients served by member sites helps bridge the quality chasm for the poor and racially at risk. Using HIT to ensure accurate and timely exchange of information between the provider groups is an appropriate step in reducing overall costs of a currently redundant system of care.

Response: HRSA concurs with this comment and has included health information exchange within its funding opportunity announcements to promote innovative practices. HRSA recommends grantees choose HIT systems that are flexible enough to incorporate new and changing measures.

Comment(s): In terms of recommendations on specific performance measures (process and/or outcome) to indicate progress/success of HRSA-funded HIT initiatives, several comments noted that performance measures may be defined based on the HIT project being undertaken. They also suggested that HRSA develop a short list of performance measures to be used by grant applicants. Some suggestions included clinical operational and outcome measures, financial measures, productivity sustained, population health measures, patient satisfaction, and patient safety issues. Measures should complement not only Bureau of Primary Health Care (BPHC) required data, but also Health Plan Employer Data and Information Set (HEDIS) and Consumer Assessment of Healthcare Providers and Systems (CAHPS). In addition, suggestions were made to incorporate measures recommended by the Centers for Medicaid and Medicare Services (CMS) and National Committee for Quality Assurance (NCQA) in the development of HRSA requirements. The comments also affirmed that quality of life measures should be monitored for improvements in known areas of health disparities measured by race, income, citizenship and other barriers to health. Several complex and simple measures were proposed. Complex ones included decreased inpatient admits, total inpatient cost, outpatient visits, total outpatient cost, total emergency department visits, total emergency department cost, and total lab cost. Several simple performance measures were also suggested including reduction in medication errors, increased clinical documentation and accuracy in diagnosis and treatment. As for HIT integration, several measures were proposed in assessing a successful integration including the number of clinics which adopt and operationalize integrated practice management/HIT disease management, the number of clinics which utilize reports from HIT as part of a quality management program and to inform clinical decisionmaking and the increased number of interoperability points. Other suggested HIT integration measures included: Reaching identified participation levels in terms of the number of centers and/or providers utilizing the EHR system; and achieving quality/patient outcome measures (on a network-wide basis), provided that such measures are carefully scaled to avoid penalizing health centers that have already made strides in improving patient outcomes. It was also stated that performance measures should include a cost per encounter to provide categories of service (i.e. HIT, financial management, clinical leadership support, central billing) and that specific clinical measures be identified (i.e. HbA1C). The comments also indicated that performance measures should be as flexible as possible until a coordinated pay for performance strategy is determined at HRSA. One health center suggested reviewing the original process/outcome measures by the HCCN Work Group and to revive the Work Group and task it with developing performance measures.

Response: HRSA is committed to measuring the impact of its programs on the underserved populations served by the agency. Thus, HRSA acknowledges the significance of aligning quality measures with nationally recognized organizations and of having grantees report on such measures in the funding opportunities. HRSA intends to provide flexibility to grantees to achieve these measures and is positioning itself to provide and share information on the quality improvement process. HRSA intends to pilot any standard measures among grantees across HRSA programs with various technology capabilities.

Comment(s): Some comments noted that HRSA should include lessons learned from the Health Communities Access Program (HCAP) grants, formerly supported by HRSA. HCAP provided funding for Management Information Systems (MIS) that interface with other systems to support community based collaborative care. This program asked grant applicants to describe the goals and functionality of the MIS project and how the changes/enhancements would improve the effectiveness, efficiency, and coordination of services for uninsured and underinsured individuals in the communities served, thus providing quality health care at a lower cost.

Response: HRSA used lessons learned from HCAP and other health systems oriented programs, such as the Health Disparities Collaborative, the Telehealth Network Program, and the HCCNs, in developing the new HIT funding opportunities.

III. Collaboration

Comment(s): Comments regarding collaboration focused on the role of Telehealth in the overall HIT strategy, collaboration between State Primary Care Associations (PCA) and HCCNs, recommendations for approaches to include State Medicaid agencies, public health departments, other HRSA grantees, and other providers and stakeholders in HIT adoption as well as approaches to a coordinated approach in a State or community for health information technology/exchange, use and support.

Many comments discussed the central role that Telehealth plays in assuring access to quality health care, especially for rural and transient populations, and its critical role in the overall HIT strategy, specifically to health centers. The ability to successfully integrate Telehealth and HIT at the health center level is necessary. Additionally, there must be capacity to build or change the technology as it continues to develop. With Telehealth enabled by EHRs, specialists can provide services from a remote location to patients in a safety net clinic. While many comments focused on Telehealth's effect on rural access, some comments addressed the benefits in urban settings, illustrating that it is a common myth that persons living in urban communities have access to all the medical services they need. These comments noted that providing access to specialty care consults in urban settings, as well as rural ones, would increase HIT adoption and quality of care to underserved populations.

Response: HRSA concurs that Telehealth plays a key role in the access to quality health care and is a critical component in HRSA's HIT Strategy. The

Office for the Advancement of Telehealth (OAT), within HRSA's Office of Health Information Technology, promotes the effective use of Telehealth as a tool to assure access to quality health care, regardless of location. Although initially focused on rural communities, HRSA has placed greater emphasis on both urban and rural applications of Telehealth technologies. As of December 2006, 16 programs funded under the Telehealth Network Grant Program have included FQHCs. These programs have provided services, such as cardiology, mental health, dermatology, radiology, and pharmacy in over 77 FQHC sites. Over the coming year, HRSA's OHIT will collaborate with BPHC to provide TA to health centers through OHIT's Telehealth Resource Centers and BPHC's State and National Technical Assistance Cooperative Agreements. This collaboration will address challenges and opportunities of health centers in deploying Telehealth services in underserved urban as well as rural communities. In addition OHIT is developing a Telehealth Technical Assistance toolbox that will be made available over the Web to assist health centers in deploying Telehealth services in their communities.

Comment(s): Another comment pointed out that EHRs alone will not create access to specialty and diagnostic services for isolated populations and small, rural health centers; that ongoing investment in Telehealth connectivity infrastructure and other technology is equally critical; and that, ideally, EHR systems supported by HRSA should be able to engage in Telehealth services. Another comment noted Telehealth can be used to support home and community based services through network access and that personal health records can be used to help engage home based patients in their own medical care.

Response: HRSA/OAT recently awarded 3 three-year grants to organizations to support Telehealth based home services. This was the first funding opportunity to support such an endeavor, and HRSA will be working closely with the grantee community to develop best practices in this area. HRSA concurs that the need for specialized support services in health centers represents an excellent opportunity for Telehealth services. Moreover, the emphasis on EHR development in health centers provides an outstanding opportunity for creating synergy between the adoption of interoperable EHRs and the cost-effective deployment of Telehealth services that can build on that HIT infrastructure. Increasingly the Telehealth Networks have emphasized the integration of EHRs into their services. However, one barrier to doing so has been the lack of interoperability among the various health information systems. With the implementation of interoperable EHRs, the application of Telehealth technologies becomes a much more feasible and cost-effective option for health centers.

Comment(s): One comment described Telehealth as one technical capability that is best addressed in a network environment. Trained personnel and technical resources required to provide the service and equipment infrastructure needed to provide Telehealth services would be facilitated in a network environment. Given the technical staff and infrastructure limitations of individual FQHCs, Telehealth may be best deployed in an HCCN environment. Another comment illustrated that if the HCCN has a large number of members, it can create a market that might be attractive to specialists and providers of devices and services to fill identified needs not conveniently or cost-effectively available to remote centers or disproportionate providers with limited budgets. It was suggested that HCCNs can provide information technology (IT) data and consultation conducive to Telehealth and can arrange for and/or provide the appropriate connectivity.

Response: HRSA is pleased that both the HCCN program and the TNG program are in the same office, due to the similarities in the network model, both in terms of advantages (cost efficiencies and expertise) as well as challenges (diverse needs of network members). HRSA's OHIT will continue to foster collaboration among the Telehealth network grantees and HCCN grantees. One example is the consideration of planning grants for HCCNs to adopt Telehealth Technology to bridge the gap of needed services.

Comment(s): Finally, one comment noted HRSA should include Telehealth in the overall HIT strategy and consider working with the appropriate Federal agencies to expand Medicaid and Medicare reimbursement for these services. Medicaid and Medicare currently limit reimbursement for Telehealth services. For example, Medicare requires that a patient be located at a site such as an FQHC clinic or hospital that is in a rural area for provider reimbursement. A comment stated that urban areas experience similar shortages in linking uninsured patients with specialty care, and therefore should also be eligible for reimbursement. In addition, although some Medicaid programs reimburse for Telehealth services in urban areas, there is great variation in which types of Telehealth services are reimbursed. For example, in some States, Medicaid will reimburse for group Telehealth visits for nutrition counseling, but not for Telehealth group therapy or smoking cessation sessions, despite the fact that both types of group visits have proven to be very successful with patients.

Response: OAT has funded 6 technical assistance resource centers to assist HRSA grantees, in addition to other health care organizations in the implementation of cost-effective Telehealth programs to serve rural and medically underserved areas and populations. The five regional Telehealth Resource Centers serve as a focal point for advancing effective use of Telehealth technologies in their respective communities and regions of the Nation, and the national Telehealth Resource Center provides a mechanism for sharing experiences across the Nation in addressing legal and regulatory barriers to the effective implementation of Telehealth technologies. A listing of the resource centers can be found at *http://www.hrsa.gov/healthit.*

Comment(s): In terms of collaboration between State Primary Care Associations (PCA) and HCCNs, most comments noted that collaboration between the two entities is important to ensure that FQHCs have access to all available resources and that those resources are effectively used. Coordination and collaboration between HCCNs and PCAs on HIT should be a requirement for seeking grants, especially with the onset of statewide health information exchanges (HIE). Other comments noted that collaboration between PCAs and HCCNs should be allowed, but not required, as some PCAs view HCCNs as competitive and not collaborative. Comments noted that PCAs can facilitate communication about issues related to HIT, be a resource for technical assistance, and assist with the expansion of the infrastructure to promote HIT throughout the State in health centers. Comments noted that a network model is more appropriate to take on a business venture of actual implementation. It was suggested that PCAs and Networks convene around meeting their common member obligations with HIT systems and work on similar priorities for synergy.

Response: HRSA will continue to encourage collaboration among community partners, including PCAs and HCCNs, to best serve the needs of the health centers. HRSA sees both

PCAs and HCCNs as valuable resources for health centers. HRSA recognizes that there are additional local partnerships which continue to be developed and improved that can serve as effective models in leveraging supportive resources.

Comment(s): There were several recommended approaches to include State Medicaid agencies, public health departments, other HRSA grantees, and other providers and stakeholders in HIT adoption as well as approaches to a coordinated approach in a State or community for health information technology/exchange use and support. The comments noted that applicants should be required to address how other agencies will be included in discussions of HIT adoption for health centers including the requirement to identify existing capacity in stakeholders and what collaboration efforts have been attempted. It was suggested that members of reform committees, executives of the State Medicaid and Medicare programs, members of the local hospital Networks, and clinicians should coordinate for HIT exchange and support. The comments indicated that HRSA should support links to statewide or regional health information exchange (HIE) initiatives and encourage HCCNs to use this initiative as leverage for support. In addition, a few comments noted that HRSA should take the lead and work closely with relevant agencies to ensure that health centers' needs are addressed and that safety-net organizations are able to overcome the barriers to technology adoption.

If the HIT infrastructure is to be successful within a State, it was emphasized that Medicaid, public health and other HRSA grantees should have linked systems. On an FQHC level, it was cited that HRSA's support could be critical in: (a) Getting HIT acquisition and maintenance costs to be effectively included in determining Medicare/Medicaid FQHC reimbursement levels; and in (b) providing clear direction to state Medicaid agencies to incorporate HIT costs in determining state Prospective Payment System (PPS) rates. The comments indicated that HRSA should work in tandem with entities like the National Association of Community Health Centers, the Center for Medicaid and Medicare Services (CMS), and others to advocate for a pay-for-performance demonstration at health centers with HIT adoption as a component of the part of the demonstration. The use of pay-for-performance incentives from state Medicaid agencies could serve to support clinic quality improvement efforts while offsetting HIT operating costs.

As systems are developed for care coordination, interoperability was strongly illustrated to be the key to an effective and coordinated information exchange. This is especially critical for statewide syndromic surveillance systems and information sharing related to public health alerts and disaster preparedness. Ensuring safety net representation in HIT advisory committees, such as the American Health Information Community (AHIC), was noted as critical to ensure that safety net providers' concerns are addressed in any interoperable health care communications system.

Response: HRSA will continue to work closely with the Office of the National Coordinator (ONC) and with CMS in these areas. It should be noted that AHIC's bioserveillance committee has been renamed the Populations Health Committee, with HRSA's safety net sister agency, the Indian Health Service (IHS), as a Federal representative. In addition, HRSA encourages its safety net providers to participate in public comment periods around such activities.

IV. Specific HCCN-Related Comments

Comment(s): Specific HCCN-related comments included challenges and opportunities in restructuring the HCCN grant program, other approaches to consider in promoting quality of care and improvements in patient outcomes through HIT adoption for minority and underserved populations, key considerations that should be taken into account when designing the new funding opportunities, and if and/or how HRSA should consider retaining the HCCN administrative, financial and clinical core services in the proposed funding opportunities as they relate to promoting HIT adoption.

Overall, financial and organizational concerns were two of the main topics for consideration in restructuring the HCCN grant program. As one comment noted, safety net providers will be challenged to have the necessary hardware equipment, consistent power and connectivity to take advantage of EHRs. Comments described financial concerns such as start up costs to purchase application software, hardware and networking equipment, training and implementation services, and ongoing costs to maintain systems for support and maintenance and operational funds.

Comments also provided mixed viewpoints on how teamwork and collaboration should fit into a restructured HCCN program; however, many acknowledged the need for teamwork and for collaboration in and of itself. One comment explained that the shared collaborative approach provides great opportunities but that it needs significant ongoing support and funding to ensure the mobilization of stakeholders, the development of governance guidelines and the participation in the HCCN. The most significant challenge facing the restructuring of the HCCN grant program is to design a grant that rewards and enhances the teamwork skills that are required of FQHCs while supporting the needs of the HCCN to successfully develop a network environment. Another comment felt that an additional challenge is how to best attract and engage the appropriate additional members to the existing network environment.

Comments indicated that HRSA should collaborate with the Agency for Health Care Research and Quality (AHRQ), the Substance Abuse and Mental Health Agency (SAMHSA), IHS, the Federal Communications Commission, ONC, CMS and State Medicaid agencies to develop incentives for EHR adoption. For example, it was suggested that the CMS Medicaid Transformation grants could have encouraged State Medicaid agencies to work with Networks and with the community health centers that would have helped both the Medicaid and the uninsured populations. In addition, it was suggested that HRSA explore adapting the IHS's EHR.

Response: HRSA has given priority to partnering with other Federal agencies and national organizations including the National Governors Association, The National Conference of State Legislatures, the Association of State and Territorial Health Officers and the National Association of County Health Officials, among others. HRSA has also developed an internal HRSA HIT Policy Council to enhance communication and collaboration across all of its offices and bureaus. HRSA is also working actively with its Federal Government partners including IHS, AHRQ, CDC, ONC, CMS, SAMHSA, and the FCC to encourage support for HRSA's HIT activities.

Comment(s): Many comments also indicated that without Federal funding and support, it is unlikely that the utilization of HIT to transform health care delivery systems will take place. For example, one comment described how the HRSA investment in HCCNs has allowed the recruitment of highly skilled staff that health centers would not have been able to afford on their own. Another indicated that financial support should come from a dedicated

funding stream separate from the financial support health centers receive to provide care to uninsured and underinsured patients. It was also suggested that HRSA should seek special funding from Congress and resources from other agencies to assist centers and Networks in upgrading and adopting the technology needed to communicate with other providers.

The comments also recommended several avenues in HIT support and technical assistance such as centers for excellence and disease management modules in order to support each community health center's technological evolution in a manner that reflects the clinic's comfort, its user sophistication, budgetary restrictions, operational strengths and challenges.

Response: HRSA concurs with the comments that funding for HIT will come from a variety of funding streams. HRSA is committed to building partnerships with other Federal agencies, foundations, and State and Federal organizations to help support the safety net. In addition, HRSA encourages it grantees to reach out to these types of public and private organizations to emphasize the contributions that safety net providers can make to the adoption and effective use of HIT to improve access and quality of care for all populations.

Comment(s): In terms of key considerations that should be taken into account when designing the new HCCN funding opportunities to increase EHR adoption and to improve quality and health outcomes, comments provided a range of considerations. One comment stated that HRSA should structure the program so that it provides a predictable source of funding that can be used to build and maintain network information system infrastructure, technical assistance, appropriate IT systems and quality improvement, and medical informatics staff to implement and manage an EHR program. One comment indicated that funding should go beyond technology to address the process and workflow redesign needed to enhance EHR adoption as well as to address the infrastructure improvement requirements. Comments also noted that funding should be provided for various activities including: needs assessments, training and building a team of experienced personnel, evaluation of various business models, further development of technology enhancements and system interfaces, and the support of quality management including quality assurance and quality improvement. One comment stated that HRSA should address three components in EHR adoption: Outlay expenses for the system, an experienced team to oversee implementation, and ongoing support post implementation. Comments noted that costs were considerable and that start-up and on-going sustainability expenses of new HIT systems must be recognized. Several comments stated that funds should be provided only when collaboration and linkages to the community could be delineated. Overall, many comments expressed agreement with requiring collaboration and linkages to the community as conditions for funding. Some comments also suggested that HRSA should commit to long-term funding of HCCNs that have integrated progressive HIT systems.

Response: HRSA reflected many of these comments as part of its funding opportunities, including the need to recognize the continuum of readiness for HIT adoption. However, HRSA believes funding for HIT adoption and sustainability must come from a variety of funding sources, and that grantees must develop HIT models that are sustainable over time.

Comment(s): In terms of if and/or how HRSA should consider retaining the HCCN administrative, financial and clinical core services in the proposed funding opportunities as they relate to promoting HIT adoption, the majority of the comments responding to this question indicated that the administrative, financial, and clinical core services of the HCCNs are necessary. Retaining established core HCCN services was indicated to be critical because these provide the basis for participation in HIE and will play an important part in a RHIO or in a broader safety net specific HIE network. It was recommended that HRSA support these core functions within an HCCN network when the function is clearly integrated into the overall HIT and quality improvement goals of the network. In addition, it was emphasized that HCCNs provide cost effective administrative, financial and clinical core services that are thoroughly intertwined with HIT services. The combined integrated services allow more effective adoption of HIT and increased sustainability for existing centers, new starts and new access points while enhancing their ability to reach underserved communities.

Response: HRSA has reflected many of these comments as part of its funding opportunities.

V. General Network-Related Comments

General network-related comments focused on the benefits of funding Networks to provide HIT support to health centers and other safety net providers, types of incentives, if any, to encourage health centers, and other HRSA grantees to join Networks, and the capacity needed for a Network to promote HIT among a group of health centers and other HRSA grantees, such as number of health centers and/or number of patients.

Comments provided specific descriptions of the benefits of HIT in Networks and also recommendations of incentives to expand Networks. Description of benefits included: The ability to recruit and retain quality staff, reductions in operating costs, greater purchasing power, ability to compare data, ability to evaluate patient outcomes, and the creation of data for research and quality improvement. The comments cited additional benefits to funding HIT in Networks such as: economies of scale, interoperability systems, improved data access, increased rate of HIT adoption among safety net providers, minimized waste and duplication of efforts, standardized interfaces and data exchange agreements to ancillary providers, alignment with national directives to build HIT infrastructures and data exchange standards and functionalities, public health surveillance, improved medication management, ability to eliminate fragmentation, redundancy, and incomplete information for existing personal records, clinical decision tree capability and collaborations allowing for a greater level of shared resources and expertise among the network based HIT entities.

Specific recommendations for creating incentives to expand the Networks included increasing the grant award amount available to Networks with numerous health centers, and building financial incentives to compensate Networks for increasing the number of participating health centers. Comments indicated HRSA should offer financial incentives to centers to encourage their membership in the Networks for integrated functions. One comment explained that HRSA could provide concrete incentives such as preference points on grant applications for FQHCs that participate in an HCCN network and another stated that HRSA should fund assistance for HCCNs and health centers to participate in RHIOs and state HIEs. One comment indicated that applicants choosing to remain outside of a Network model for its HIT project should have to demonstrate the economic, competitive, and functional advantage of their decision.

Response: HRSA has supported expert panels and studies around the use of HIT to improve the quality, safety,

efficiency and effectiveness of health care in the health centers as well as models for successful systems implementation. One notable study was funded by the U.S. Department of Health and Human Service's Office of the Assistant Secretary on Planning and Evaluation entitled, ''Community Health Center Information Systems Assessment: Issues and Opportunities.'' Key among the themes from the expert panels and studies is that the HCCN model is an efficient and effective way to promote HIT among health centers. HRSA will continue to stress the importance of health centers coming together as a network to implement HIT in order to maximize scarce resources and minimize risk, waste and duplication of effort, as comments noted.

Comment(s): In terms of capacity needed for a Network to promote HIT among a group of health centers and other HRSA grantees, such as number of health centers and/or number of patients, comments varied greatly from supporting a large to a small network. Additional comments were provided related to capacity but not directly to size and often these comments provided specific details to delineate the level of complexity involved in addressing this topic. Several comments indicated that size should not matter. One comment explained small numbers can have greater impact than large numbers because the focus can be more targeted. Another comment stated that the capacity of a network should be limited only by the ability to adequately address the potential of stakeholders' shared requirements and that it is important for the network to be inclusive, whereas other comments proposed specific metrics for the capacity size. A comment stated that size does matter and indicated that a larger network is better. This comment explained that with initial IT investments being as large as they are, scaling the implementation is critical. The comment further explains that when too many organizations are involved, the necessity to define a single approach can be crippling. Implementation of HIT in existing, large health centers should be a priority in order to gain the highest impact with the lowest complications. Another comment indicated a preference for a larger size because it is critical to have a network that connects all primary care providers, specialists, as well as facilities in order to assure timely transmission of information and data to any provider involved in a patient's care. Another comment noted that regional Networks that include participation by local hospitals, county services, laboratories, and pharmacies would be beneficial to clinics regardless of the number of patients served. The comment further explains that Networks that are solely clinic based could potentially support data collection and regional trending, but may not optimize the interoperability necessary to support delivery of a comprehensive continuum of care. Another comment also expressed support for a larger size indicating that HIT focused Networks should be required to demonstrate a solid integrated network with an ability to reach significant geographic regions, a sound business plan and governance, and economies of scale to enable future sustainability on an established timetable. Finally, one comment suggested the combination of smaller, more business like boards, combined with a large membership that has operational and programmatic advantages in order to deliver sophisticated HIT capabilities and services quickly.

Response: While HRSA will continue to foster HCCNs that consist of at least three organizations in order to promote both horizontal and vertical integration, HRSA also recognizes the contributions of large multi-site health centers and if funding permits, will take this additional approach into consideration. Geographic consideration will be taken into account in the funding opportunities to assure a mix of both urban and rural Networks. HRSA will require applicants to specify a number of metrics (such as number of patients, centers, sites, encounters, and software licenses) so HRSA can continue to better assess the relationship between capacity and resources.

VI. Sustainability

Sustainability comments focused on expectations for Networks around sustainability, including long-term sources of funding. The key themes in the response to this topic include HCCN's assuring their own sustainability, HRSA investing long term in HIT infrastructure, and HRSA working with payers, who benefit from the cost saving of HIT implementation and improved quality of care.

Some comments stressed that application guidance should include a section requiring the applicant to address how they intend to develop a feasible and reasonable plan for sustainability. Comments noted that project-only funding for infrastructure development is a failed strategy because infrastructure itself (buildings, furniture, utilities) does not create benefit; people create benefit. Project-only funding for a well defined project with defined start and end times can be a successful strategy. Not every project requires ongoing support after completion. HCCNs should be expected to provide a sound business and governance plan that demonstrates the ability to take advantage of economies of scale. This is a key factor in assuring sustainability. Business plans should include agreements up front for reinvestment of some of the savings from economies of scale in maintenance of the network infrastructure needed to stay in business. It is critical that HCCNs develop business plans to prove their value to community stakeholders (including local businesses) in order to structure their requests to large corporations and to foundations. As a corollary to the business plan, a comprehensive marketing plan will be needed to attract new members. HRSA should also promote and assist HCCNs in obtaining and or facilitating HIT dedicated funds from other federal agencies and private sector partners.

Response: HRSA has included many of these comments as part of its funding opportunities.

Comment(s): Other comments noted that HRSA should not assume that a model of financial sustainability will appear in the future. Sustainability may be possible in only a few cases without ongoing external support. OHIT should encourage HRSA to sustain a long-term commitment to the development and sustainability of funding HIT solutions. The HCCN movement over the past decade has repeatedly demonstrated that fiscal improvements and cost efficiencies obtained through collaborative work are reinvested back into the HCCN member health centers' bottom lines and not as readily into the HCCN infrastructure. This occurs, in part because the mission of health centers does not include building for-profit or other non-profit organizations. A fundamental shift is necessary at both the Federal level and HCCN level that supports some continued ongoing funding for those HCCNs that demonstrate continued efficient use of Federal funds. Comments noted that Networks are an important infrastructure of the 330 grantees and the long-term survival of these Networks should mimic those of the 330 grantees. The Networks must demonstrate cost savings in their support efforts, but the funding challenges faced by such Networks are the same as that found by the 330 grantees. Any other approach to funding the Networks places the burden of network sustainability on the 330 grantees that use the service. The realities about what it costs to provide

an agreed upon cadre of core required services needs to be agreed upon. Then long term planning with realistic funding sources (including HRSA) needs to be done in relation to cost realities. With the implementation of HIT, costs expand and CHC's are expected to absorb these increased costs while the benefits accrue to the data recipients (i.e. payers). By supporting network infrastructure, HRSA will help ensure that the CHC's HIT systems are affordable and available.

Response: HRSA believes funding for HIT adoption and sustainability must come from a variety of funding sources.

Comment(s): Since EHR systems have proven to be effective tools for reducing medical costs through improved quality, HHS should consider ways to get payers, such as Medicaid, Medicare, and Blue Cross, to include an additional incentive component in their reimbursement for health centers and other safety net providers which adopt HIT systems. Such broad-ranging strategies may prove to be critical in determining the overall sustainability of the President's HIT initiative.

Response: HRSA is working closely with other Federal agencies, and with public and private sector organizations to promote the goals of HIT adoption among safety net providers. In addition, HRSA provides information on funding opportunities to current grantees and other interested applicants as they become available. HRSA has also created a special portal for health centers as part of the AHRQ HIT Resource Center to share information on best practices, literature and funding opportunities.

VII. Building HIT Capacity

Comments on this topic focused on types of HIT investments, other than EHRs, that HRSA should consider investing in, to improve quality of care and health outcomes, as well as Model practices in other parts of the safety net or private industry to build key HIT capacities in under-resourced environments.

The comments provided various HIT investments that HRSA should consider to improve the quality of care and health outcomes. Comments focused on HIT areas such as collaboration in advancing HIT adoption, health information exchange, quality improvement, Telehealth, and technical assistance. Some comments also indicated unique and specific HIT investments that may or may not require an operational EHR system such as practice management systems, clinical and fiscal reporting systems, templates (computer notes), e-mail, instant messaging and chat sessions in clinical settings, e-lab (ordering, tracking and reporting), e-radiology (tracking and reporting), e-pharmacy (formulary/interaction checks), telemedicine/teleradiology/video consultation to extend specialist access in shortage areas, electronic filing cabinets/scanning, clinical guideline software, chronic condition and disease management software, voice dictation, web portals, linkages/interfaces to community providers such as (SNO) and Regional Health Information Organizations (RHIO), e-prescribing, disease registries, clinical data capture technology, personal and community health record. These areas were primarily suggested to be potential HIT funding projects in addition to EHRs.

Health Information Exchange (HIE) systems were mentioned as potential HIT investments for HRSA. Comments indicated that HCCNs should have the capability to operate or interface as a federated HIE infrastructure with government funded program systems such as Medicaid Management Information Systems and SAMHSA reporting systems. It would also provide an excellent opportunity to invest in an approach that leads to improved quality of care and coordination of services. Funding opportunities in alignment with the critical components of the ONC strategic framework such as health information Networks and personal health records were also mentioned. Electronic Data Exchange, data backup for redundancy, as well as preparing for an emergency or disaster were noted as having a key role in the buildup of data warehousing.

Quality improvement initiatives were also a main theme. The comments requested that HRSA consider investing in the development of structured quality improvement programs within Networks where there is a commitment to openly share data among FQHCs within the Network and/or through community coalitions/collaborations.

Telehealth initiatives were also mentioned as potential investments in improving quality of care and health outcomes, particularly in frontier communities where access is an issue. It was also suggested as one of the key tools in ensuring cultural competency.

Investment in technical assistance and support is also one of the main themes of the comments. The comments requested technical assistance in the areas of planning and evaluation projects to assess utilization models, governance issues, development of infrastructures to support shared services collaborations, assistance to PCAs to conduct HIT strategic planning with members' organizations, HIT infrastructure development, funding, training and basic HIT start-up. These elements were generally indicated to be critical in establishing and maintaining a successful HIT initiative.

Response: Many of the themes mentioned such as Telehealth, quality improvement, technical assistance and collaboration will form the basis of HRSA's HIT strategy. In addition, HRSA recognizes the continuum of HIT that can be used in efforts to improve health outcomes; therefore, HRSA has included many of the ideas mentioned in its HIT Innovation funding opportunity.

Comment(s): In terms of model practices in other parts of the safety net or private industry to build key HIT capacities in under-resourced environments, several comments noted that the existing Operational HCCN grantees are the models that can be used to build key HIT capacities in under-resourced environments due to their aggregate knowledge and experience. The IT support provided by a Network to several sites results in economies of scale and can promulgate best practices in HIT implementation and support. Existing models to promote HIT often require providers to produce matching funds in order to receive grants. This model is difficult for community health centers and other safety net providers due to limited matching funds. In addition, one comment noted that it is critical that HIT models are geared towards the community health center industry, that they provide full life cycle care, and emphasize chronic disease and maternal-and-child management.

Response: HRSA has included many of these comments as part of its funding opportunities.

VIII. Other Comments

In general, the comments stated that adoption of an EHR does not automatically lead to health improvement. Factors that contribute to success include clinic stability, strong and effective management team and a focus on quality improvement. Comments recommended that HRSA solicit these items in the grantee's work plan and the focus on quality improvement should be strengthened at the clinic level.

Population Management was frequently cited to improve quality and reduce disparities. Comments recommended that HRSA promote the adoption of population management systems as a step towards building HIT capacity for quality improvement. The comments also pointed out that although EMR adoption is a critical component of HIT, advancing the EHR

adoption should not necessarily preclude the other components such as population management systems.

Comments also raised the issue that HIT is far from reality for most of the safety net providers. Because of lack of resources, HIT is not a priority. Many safety net providers are struggling with outdated practice management systems that need constant repair and with scarce resources available to maintain them. It was suggested that HRSA provide access to resources or approaches that can support sustainability of some level for Safety-Net Provider Networks.

Response: HRSA appreciates that there are other HIT solutions in addition to EHRs and included many of these comments as part of its funding opportunities. In addition, HRSA believes funding for HIT adoption and sustainability must come from a variety of funding sources.

IX. Paperwork Reduction Act

Should any of the HIT initiatives involve the collection of information applicable to requirements of the Paperwork Reduction Act of 1995, the agency will request OMB review and approval.

Dated: January 16, 2008.

Elizabeth M. Duke,

Administrator.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Loan Repayment Program for Repayment of Health Professions Educational Loans

Announcement Type: Initial.

CFDA Number: 93.164.

Key Dates: January 18, 2008 first award cycle deadline date, September 30, 2008 entry on duty deadline date.

I. Funding Opportunity Description

The Indian Health Service (IHS) estimated budget request for Fiscal Year (FY) 2008 includes $11,581,766 for the Indian Health Service (IHS) Loan Repayment Program (LRP) for health professional educational loans (undergraduate and graduate) in return for full-time clinical service in Indian health programs.

This program announcement is subject to the appropriation of funds. This notice is being published early to coincide with the recruitment activity of the IHS, which competes with other Government and private health management organizations to employ qualified health professionals.

This program is authorized by Section 108 of the Indian Health Care Improvement Act (IHCIA) as amended, 25 U.S.C. 1601 *et seq.* The IHS invites potential applicants to request an application for participation in the LRP.

II. Award Information

The estimated funds available is approximately $11,581,766 to support approximately 258 competing awards averaging $44,740 per award for a two year contract. One year contract continuations will receive priority consideration in any award cycle. Applicants selected for participation in the FY 2008 program cycle will be expected to begin their service period no later than September 30, 2008.

III. Eligibility Information

1. Eligible Applicants

Pursuant to Section 108(b), to be eligible to participate in the LRP, an individual must:

(1) (A) Be enrolled—

(i) In a course of study or program in an accredited institution, as determined by the Secretary, within any State and be scheduled to complete such course of study in the same year such individual applies to participate in such program; or

(ii) In an approved graduate training program in a health profession; or

(B) Have a degree in a health profession and a license to practice in a state; and

(2) (A) Be eligible for, or hold an appointment as a Commissioned Officer in the Regular or Reserve Corps of the Public Health Service (PHS); or

(B) Be eligible for selection for service in the Regular or Reserve Corps of the (PHS); or

(C) Meet the professional standards for civil service employment in the IHS; or

(D) Be employed in an Indian health program without service obligation; and

(E) Submit to the Secretary an application for a contract to the LRP. The Secretary must approve the contract before the disbursement of loan repayments can be made to the participant. Participants will be required to fulfill their contract service agreements through fulltime clinical practice at an Indian health program site determined by the Secretary. Loan repayment sites are characterized by physical, cultural, and professional isolation, and have histories of frequent staff turnover. All Indian health program sites are annually prioritized within the Agency by discipline, based on need or vacancy.

Section 108 of the IHCIA, as amended by Public Laws 100–713 and 102–573, authorizes the IHS LRP and provides in pertinent part as follows:

(a)(1) The Secretary, acting through the Service, shall establish a program to be known as the Indian Health Service Loan Repayment Program (hereinafter referred to as the ''Loan Repayment Program'') in order to assure an adequate supply of trained health professionals necessary to maintain accreditation of, and provide health care services to Indians through, Indian health programs.

Section 4(n) of the IHCIA, as amended by the Indian Health Care Improvement Technical Corrections Act of 1996, Public Law 104–313, provides that:

''Health Profession'' means *allopathic medicine,* family medicine, internal medicine, pediatrics, geriatric medicine, obstetrics and gynecology, podiatric medicine, nursing, public health nursing, dentistry, psychiatry, osteopathy, optometry, pharmacy, psychology, public health, social work, marriage and family therapy, chiropractic medicine, environmental health and engineering, and allied health profession, *or any other health profession.*

For the purposes of this program, the term ''Indian health program'' is defined in Section 108(a)(2)(A), as follows:

(A) The term ''Indian health program'' means any health program or facility funded, in whole or in part, by the Service for the benefit of Indians and administered—

(i) Directly by the Service;

(ii) By any Indian Tribe or Tribal or Indian organization pursuant to a contract under—

(I) The Indian Self-Determination Act, or

(II) Section 23 of the Act of April 30, 1908, (25 U.S.C. 47), popularly known as the Buy Indian Act; or

(iii) By an urban Indian organization to Title V of this act.'' Section 108 of the IHCIA, as amended by Public Laws 100–713 and 102–573, authorizes the IHS to determine specific health professions for which Indian Health LRP contracts will be awarded. The list of priority health professions that follows is based upon the needs of the IHS as well as upon the needs of American Indians and Alaska Natives.

(a) Medicine: Allopathic and Osteopathic.

(b) Nurse: Associate and B.S. Degree.

(c) Clinical Psychology: Ph.D. only.

(d) Social Work: Masters level only.

(e) Chemical Dependency Counseling: Baccalaureate and Masters level.

(f) Dentistry.

(g) Dental Hygiene.

(h) Pharmacy: B.S., Pharm.D.

(i) Optometry.
(j) Physician Assistant.
(k) Advanced Practice Nurses: Nurse Practitioner, Certified Nurse Midwife, Registered Nurse Anesthetist (Priority consideration will be given to Registered Nurse Anesthetists.).
(l) Podiatry: D.P.M.
(m) Physical Rehabilitation Services: Physician Therapy, Occupational Therapy, Speech-Language Pathology, and Audiology: M.S. and D.P.T.
(n) Diagnostic Radiology Technology: Certificate, Associate, and B.S.
(o) Medical Technology: B.S., and Associate.
(p) Public Health Nutritionist/ Registered Dietitian.
(q) Engineering (Environmental): B.S. (Engineers must provide environmental engineering services to be eligible.).
(r) Environmental Health (Sanitarian): B.S.
(s) Health Records: R.H.I.T. and R.H.I.A.
(t) Respiratory Therapy.
(u) Ultrasonography.

2. Cost Sharing or Matching

Not applicable.

Other Requirements

Interested individuals are reminded that the list of eligible health and allied health professions is effective for applicants for FY 2008. These priorities will remain in effect until superseded.

IV. Application and Submission Information

1. Address to Request Application Package

Application materials may be obtained by calling or writing to the address below. In addition, completed applications should be returned to: IHS Loan Repayment Program, 801 Thompson Avenue, Suite 120, Rockville, Maryland 20852, PH: 301/ 443–3396 [between 8 a.m. and 5 p.m. (EST) Monday through Friday, except Federal holidays].

2. Content and Form of Application Submission

Applications must be submitted on the form entitled ''Application for the Indian Health Service Loan Repayment Program,'' identified with the Office of Management and Budget approval number of OMB #0917–0014 (expires 12/31/08).

3. Submission Dates and Times

Completed applications may be submitted to the IHS Loan Repayment Program, 801 Thompson Avenue, Suite 120, Rockville, Maryland 20852. Applications for the FY 2008 LRP will be accepted and evaluated monthly beginning January 18, 2008, and will continue to be accepted each month thereafter until all funds are exhausted for FY 2008. Subsequent monthly deadline dates are scheduled for Friday of the second full week of each month.

Applications shall be considered as meeting the deadline if they are either:
(a) Received on or before the deadline date; or
(b) Sent on or before the deadline date. (Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks are not acceptable as proof of timely mailing.)

Applications received after the monthly closing date will be held for consideration in the next monthly funding cycle. Applicants who do not receive funding by September 30, 2008, will be notified in writing.

4. Intergovernmental Review

This program is not subject to review under Executive Order 12372.

5. Funding Restrictions

Not applicable.

6. Other Submission Requirements

All applicants must sign and submit to the Secretary, a written contract agreeing to accept repayment of educational loans and to serve for the applicable period of obligated service in a priority site as determined by the Secretary, and submit a signed affidavit attesting to the fact that they have been informed of the relative merits of the U.S. PHS Commissioned Corps and the Civil Service as employment options.

V. Application Review Information

1. Criteria

The IHS has identified the positions in each Indian health program for which there is a need or vacancy and ranked those positions in order of priority by developing discipline-specific prioritized lists of sites. Ranking criteria for these sites include the following:
(a) Historically critical shortages caused by frequent staff turnover;
(b) Current unmatched vacancies in a health profession discipline;
(c) projected vacancies in a heath profession discipline;
(d) Ensuring that the staffing needs of Indian health programs administered by an Indian Tribe or Tribal or health organization receive consideration on an equal basis with programs that are administered directly by the Service;
(e) Giving priority to vacancies in Indian health programs that have a need for health professionals to provide health care services as a result of individuals having beached LRP contracts entered into under this section;

Consistent with this priority ranking, in determining applications to be approved and contracts to accept, the IHS will give priority to applications made by American Indians and Alaska Natives and to individuals recruited through the efforts of Indian Tribes or Tribal or Indian organizations;

2. Review and Selection Process

Loan Repayment Awards will be made only to those individuals serving at facilities which have a site score of 70 or above during the first and second quarters and the first month of the third quarter of FY 2008, if funding is available.

One or all of the following factors may be applicable to an applicant, and the applicant who has the most of these factors, all other criteria being equal, will be selected.
(a) An applicant's length of current employment in the IHS, Tribal, or urban program.
(b) Availability for service earlier than other applicants (first come, first served).
(c) Date the individual's application was received.

3. Anticipated Announcement and Award Dates

Not applicable.

VI. Award Administration Information

1. Award Notices

Notice of awards will be mailed on the last working day of each month. Once the applicant is approved for participation in the LRP, the applicant will receive confirmation of his/her loan repayment award and the duty site at which he/she will serve his/her loan repayment obligation.

2. Administrative and National Policy Requirements

Applicants may sign contractual agreements with the Secretary for 2 years. The IHS may repay all, or a portion of the applicant's health profession educational loans (undergraduate and graduate) for tuition expenses and reasonable educational and living expenses in amounts up to $20,000 per year for each year of contracted service. Payments will be made annually to the participant for the purpose of repaying his/her outstanding health profession educational loans. Payment of health profession education loans will be made to the participant

within 120 days, from the date the contract becomes effective.

In addition to the loan payment, participants are provided tax assistance payments in an amount not less than 20 percent and not more than 39 percent of the participant's total amount of loan repayments made for the taxable year involved. The loan repayments and the tax assistance payments are taxable income and will be reported to the Internal Revenue Service (IRS). The tax assistance payment will be paid to the IRS directly on the participant's behalf. LRP award recipients should be aware that the IRS may place them in a higher tax bracket than they would otherwise have been prior to their award.

3. Reporting

Any individual who enters this program and satisfactorily completes his or her obligated period of service may apply to extend his/her contract on a year-by-year basis, as determined by the IHS. Participants extending their contracts may receive up to the maximum amount of $20,000 per year plus an additional 20 percent for Federal withholding.

Any individual who owes an obligation for health professional service to the Federal Government, a State, or other entity is not eligible for the LRP unless the obligation will be completely satisfied before they begin service under this program.

4. DUNS Number

Participants are required to have a Dun and Bradstreet (DUNS) number. The DUNS number is a nine digit identification number. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access *http://www.dunandbradstreet.com* or call 1–866–705–5711. Interested parties may wish to obtain this DUNS by phone to expedite the process. A DUNS number is required before Central Contractor Registry (CCR) registration can be completed. Registration with the CCR is free of charge. To register, access *http://www.ccr.gov* or call 1–888–227–2423.

VII. Agency Contacts

Please address inquiries to Ms. Jacqueline K. Santiago, Chief, IHS Loan Repayment Program, 801 Thompson Avenue, Suite 120, Rockville, Maryland 20852, PH: 301/443–3396 [between 8 a.m. and 5 p.m. (EST) Monday through Friday, except Federal holidays].

VIII. Other Information

IHS Area Offices and Service Units that are financially able are authorized to provide additional funding to make awards to applicants in the LRP, but not to exceed $35,000 a year plus tax assistance. All additional funding must be made in accordance with the priority system outlined below. Health professions given priority for selection above the $20,000 threshold are those identified as meeting the criteria in 25 U.S.C. 1616a(g)(2)(A) which provides that the Secretary shall consider the extent to which each such determination—

(i) Affects the ability of the Secretary to maximize the number of contracts that can be provided under the LRP from the amounts appropriated for such contracts;

(ii) Provides an incentive to serve in Indian health programs with the greatest shortages of health professionals; and

(iii) Provides an incentive with respect to the health professional involved remaining in an Indian health program with such a health professional shortage, and continuing to provide primary health services, after the completion of the period of obligated service under the LRP.

Contracts may be awarded to those who are available for service no later than September 30, 2008, and must be in compliance with any limits in the appropriation and Section 108 of the Indian Health Care Improvement Act not to exceed the amount authorized in the IHS appropriation (up to $27,000,000 for FY 2008.) In order to ensure compliance with the statutes, Area Offices or Service Units providing additional funding under this section are responsible for notifying the LRP of such payments before funding is offered to the LRP participant.

Should an IHS Area Office contribute to the LRP, those funds will be used for only those sites located in that Area. Those sites will retain their relative ranking from the national site-ranking list. For example, the Albuquerque Area Office identifies supplemental monies for dentists. Only the dental positions within the Albuquerque Area will be funded with the supplemental monies consistent with the national ranking and site index within that Area.

Should an IHS Service Unit contribute to the LRP, those funds will be used for only those sites located in that Service Unit. Those sites will retain their relative ranking from the national site-ranking list. For example, Chinle Service Unit identifies supplemental monies for pharmacists. The Chinle Service Unit consists of two facilities, namely the Chinle Comprehensive Health Care Facility and the Tsaile PHS Indian Health Center. The national ranking will be used for the Chinle Comprehensive Health Care Facility (Score = 44) and the Tsaile PHS Indian Health Center (Score = 46). With a score of 46, the Tsaile PHS Indian Health Center would receive priority over the Chinle Comprehensive Health Care Facility.

Dated: January 16, 2008.

Robert G. McSwain,

Acting Director, Indian Health Service.

[FR Doc. 08–273 Filed 1–24–08; 8:45 am]

BILLING CODE 4165–16–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Comment Request; NIH-American Association for Retired Persons (AARP) Short Follow-Up Questionnaire 2008 (NCI)

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Cancer Institute (NCI), the National Institutes of Health (NIH), has submitted to the Office of Management and Budget (OMB) a request to review and approve the information collection listed below. This proposed information collection was previously published in the **Federal Register** on November 6, 2007 (Vol. 72, No. 214, p. 62660) and allowed 60-days for public comment. One public comment was received on November 6, 2007 which questioned why AARP was not funding this study as opposed to using NIH funds. An e-mail response was sent on January 14, 2008 stating, ''We received your comment. We will take your comments into consideration''. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection: Title: NIH-American Association for Retired Persons (AARP) Short Follow-Up Questionnaire 2008 (NCI). *Type of Information Collection Request:* New. *Need and Use of Information Collection:* The purpose of this short 2-page questionnaire is to obtain information on 18 different medical conditions, several medical procedures, and lifestyle characteristics from 513,225 participants of the NIH–AARP Diet and Health Study. The questionnaire will support the ongoing examination

between cancer and nutritional exposures. This questionnaire adheres to The Public Health Service Act, Section 412 (42 U.S.C. 285a–1) and Section 413 (42 U.S.C. 285a–2), which authorizes the Division of Cancer Epidemiology and Genetics of the National Cancer Institute (NCI) to establish and support programs for the detection, diagnosis, prevention and treatment of cancer; and to collect, identify, analyze and disseminate information on cancer research, diagnosis, prevention and treatment. *Frequency of Response:* Once. *Affected Public:* Individuals. *Type of Respondents:* U.S. adults (persons aged 50–85). The annual reporting burden is as follows: *Estimated Number of Respondents:* 513,225; *Estimated Number of Responses per Respondent:* 1; *Average Burden Hours Per Response:* .0668; and *Estimated Total Annual Burden Hours Requested:* 34,283. The annualized cost to respondents is estimated at: $302,158. There are no Capital Costs, Operating Costs, and/or Maintenance Costs to report.

Type of respondents	Number of respondents	Frequency of response	Average burden hours per response	Annual hour burden	Hourly wage rate	Cost to respond
Senior Adults	513,225	1	.0668 (4 minutes).	34,283	$17.68	$302,158

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Arthur Schatzkin, M.D., Dr.P.H, Chief, Nutritional Epidemiology Branch, Division of Cancer Epidemiology and Genetics, National Cancer Institute, NIH, DHHS, Executive Plaza South, Room 3040, 6120 Executive Blvd., EPS–MSC 7242, Bethesda, MD 20892–7335 or call non-toll-free number 301–594–2931 or e-mail your request, including your address to: *schatzka@mail.nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30 days of the date of this publication.

Dated: January 14, 2008.

Vivian Horovitch-Kelley,

NCI Project Clearance Liaison, National Institutes of Health.

[FR Doc. E8–1249 Filed 1–24–08; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Human Monoclonal Antibodies, Their Fragments and Derivatives as Biotherapeutics for the Treatment of HIV Infections

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i), that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of an exclusive license to practice the inventions embodied in:

1. U.S. Provisional Patent Application S/N 60/329,709 (E–130–2001/0–US–01). PCT/US02/33165 was filed on October 16, 2002 (E–130–2001/0–PCT–01) and converted into 02773789.9 (E–130–2001/0–EP–03) filed in Europe on May 12, 2004, 2002337885 (E–130–2001/0–AU–02) filed in Australia on March 29, 2004, 10/492,729 (E–130–2001/0–US–05) filed in the U.S. on April 15, 2004, divisional application 11/748,992 (E–130–2001/0–US–07) filed in the U.S. on May 15, 2007, and 2,463,931(E–130–2001/0–CA–04) filed in Canada on April 15, 2004; entitled ''Broadly Cross-Reactive Neutralizing Antibodies Against Human Immunodeficiency Virus Selected By Env-CD4-Co-Receptor Complex.'' Inventor(s): Dimiter S. Dimitrov (NCI), Maxime Moulard (EM), Xiadong Xiao (NCI), Yuuei Shu (NCI), Sanjay K. Phogat (IAVI), Mei–Yun Zhang (NCI), and Dennis Burton (Scripps Inst.)

2. U.S. Provisional Patent Application S/N 60/623,394 (E–251–2004/0–US–01). PCT/US2005/39175 (E–251–2004/0–PCT–02) filed on October 28, 2005 and converted into 2,585,574 (E–251–2004/0–CA–04) filed in Canada on October 28, 2005, 05819487.9 (E–251–2004/0–EP–05) filed in Europe on April 27, 2007, 2005302416 (E–251–2004/0–AU–06) filed in Australia on October 28, 2005, and 11/718,202 (E–251–2004/0–US–03) filed in the U.S. on August 10, 2007; entitled ''Novel Broadly Cross-Reactive HIV Neutralizing Human Monoclonal Antibodies Selected From Phage Display Libraries Using Novel Strategy Based On Competitive Antigen Panning.'' Inventor(s): Dimiter S. Dimitrov (NCI) and Mei-Yun Zhang (SAIC) to Profectus Biosciences, Inc. (hereafter Profectus) having a place of business in Baltimore, Maryland. The patent rights in these inventions have been assigned to the United States of America.

DATES: Only written comments and/or application for a license, which are received by the NIH Office of Technology Transfer on or before March 25, 2008 will be considered.

ADDRESSES: Requests for a copy of the patent application, inquiries, comments and other materials relating to the contemplated license should be directed to: Sally Hu, Ph.D., M.B.A., Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; E-mail: *hus@od.nih.gov;* Telephone: (301) 435–5606; Facsimile: (301) 402–0220.

SUPPLEMENTARY INFORMATION: The first invention (E–130–2001/0) provides a

novel anti-HIV human monoclonal antibody named X5. This antibody demonstrates promise over conventional anti-HIV antibodies because the X5 antibody exhibits a unique binding activity compared to its counterparts. It has been established that the initial stage of HIV–1 entry into cells is mediated by a complex between the viral envelope glycoprotein (Env) such as gp120-gp41, a receptor CD4 and a co-receptor CCR5. The X5 antibody binds to an epitope on gp120 that is induced by interaction between gp120 and the receptor CD4 and enhanced by the co-receptor CCR5. The X5 antibody also shows strong activity at very low levels (in the range from 0.0001—0.1 Mg/ml concentration based on the particular isolate). Because it is a human antibody, it can be administered directly into patients so that it is an ideal candidate for clinical trials. It also can be easily produced because it was obtained by screening of phage display libraries and its sequence is known. Finally, since it has neutralized all virus envelope glycoproteins, including those from primary isolates of different clades, the epitope is highly conserved and resistance is unlikely to develop. Therefore, this antibody and/or its derivatives including fusion proteins with CD4 are good candidates for clinical development.

The second invention (E–251–2004/0) provides for pharmaceutical compositions of, and methods of using potent cross-reactive human monoclonal antibodies to HIV. Specifically, the invention describes a competitive antigen panning (CAP) method of isolating antibodies that bind to the gp41 subunit of the HIV–1 envelope glycoprotein. Additionally, the invention includes compositions of the aforementioned antibodies and the epitopes recognized by the antibodies. Methods of using the invention in the development of vaccine immunogens for the treatment and prevention of HIV, as well as the detection of HIV in a mammal are also described. The invention has significant implications in the development of HIV inhibitors, vaccines, and research tools for understanding mechanisms of HIV entry. Further development of the disclosed invention may yield novel therapies and methods in the prevention of mother-to-child transmission of HIV, treatment of accidental exposure to HIV, and chronic infection in patients with resistance to current therapies.

The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within 60 days from the date of this published Notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The field of use may be limited to the development of human monoclonal antibodies for use as a therapeutic or preventative in HIV infection either alone or in combination with other compounds.

Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: January 16, 2008.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E8–1258 Filed 1–24–08; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing: Flavivirus Technologies

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Development of Antigenic Chimeric St. Louis Encephalitis Virus/Dengue Virus Type Four Recombinant Viruses (SLEV/DEN4) as Vaccine Candidates for the Prevention of Disease Caused by SLEV

Description of Invention: St. Louis Encephalitis Virus (SLEV) is a mosquito-borne flavivirus that is endemic in the Americas and causes sporadic outbreaks of disease in humans. SLEV is a member of the Japanese encephalitis virus serocomplex and is closely related to West Nile Virus (WNV). St. Louis encephalitis is found throughout North, Central, and South America, and the Caribbean, but is a major public health problem mainly in the United States. Prior to the outbreak of West Nile virus in 1999, St. Louis encephalitis was the most common human disease caused by mosquitoes in the United States. Since 1964, there have been about 4,440 confirmed cases of St. Louis encephalitis, with an average of 130 cases per year. Up to 3,000 cases have been reported during epidemics in some years. Many more infections occur without symptoms and go undiagnosed. At present, a vaccine or FDA approved antiviral therapy is not available.

The inventors have previously developed a WNV/Dengue4Delta30 antigenic chimeric virus as a live attenuated virus vaccine candidate that contains the WNV premembrane and envelope (prM and E) proteins on a dengue virus type 4 (DEN4) genetic background with a thirty nucleotide deletion (Delta30) in the DEN4 3'-UTR. Using a similar strategy, the inventors have generated an antigenic chimeric virus, SLE/DEN4Delta30. Preclinical testing results indicate that chimerization of SLE with DEN4Delta30 decreased neuroinvasiveness in mice, did not affect neurovirulence in mice, and appeared to overattenuate the virus for non-human primates. Modifications of the SLE/DEN4Delta30 vaccine candidate are underway to improve its immunogenicity.

This application claims live attenuated chimeric SLE/DEN4Delta30 vaccine compositions and bivalent WNV/SLE/DEN4Delta30 vaccine compositions. Also claimed are methods of treating or preventing SLEV infection in a mammalian host, methods of producing a subunit vaccine composition, isolated polynucleotides comprising a nucleotide sequence encoding a SLEV immunogen, methods for detecting SLEV infection in a biological sample and infectious chimeric SLEV.

Application: Immunization against SLEV or SLEV and WNV.

Development Status: Live attenuated vaccine candidates are currently being developed and preclinical studies in mice and monkeys are in progress. Suitable vaccine candidates will then be evaluated in clinical studies.

Inventors: Stephen S. Whitehead, Joseph Blaney, Alexander Pletnev, Brian R. Murphy (NIAID).

Patent Status: U.S. Provisional Application No. 60/934,730 filed 14 Jun 2007 (HHS Reference No. E–240–2007/0–US–01).

Licensing Status: Available for exclusive or non-exclusive licensing.

Collaborative Research Opportunity: The NIAID Laboratory of Infectious Diseases is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize live attenuated virus vaccine candidates for St. Louis encephalitis virus. Please contact Dr. Whitehead at 301–496–7692 for more information.

Live Attenuated Virus Vaccines for La Crosse Virus and Other Bunyaviridae

Description of Invention: La Crosse virus (LACV), family Bunyaviridae, is a mosquito-borne pathogen endemic in the United States. LACV infection results in 70–130 clinical cases a year and is the major cause of pediatric arboviral encephalitis in North America. LACV was first identified as human pathogen in 1960 after its isolation from a 4 year-old girl from Minnesota who suffered meningoencephalitis and later died in La Crosse, Wisconsin. The majority of LACV infections are mild and never reported, however serologic studies estimate annual infection rates of 10–30/100,000 in endemic areas. LACV is a member of the California serogroup of viruses in the genus *Orthobunyavirus.* The serogroup contains members found on five continents that include human pathogens such as La Crosse, Snowshoe hare, and Jamestown Canyon viruses in North America; Guaroa virus in North and South America; Inkoo and Tahyna viruses in Europe; and Lumbo virus in Africa. Children who recover from severe La Crosse encephalitis may have significantly lower IQ scores than expected and a high prevalence (60% of those tested) of attention-deficit-hyperactivity disorder. Seizure disorders are also common in survivors. LACV can also cause encephalitis in immunosuppressed adults. Projected lifelong economic costs associated with neurologic sequelae range from $48,775–3,090,398 per case. At present, a vaccine or FDA approved antiviral therapy is not available.

This application principally claims live attenuated LACV vaccine compositions, but also includes subunit vaccine compositions including California encephalitis virus (CEV) serogroup immunogens, attenuated and inactivated CEV serogroup and chimeric *Bunyaviridae.* Also claimed are methods of treating or preventing CEV serogroup infection in a mammalian host, methods of producing a subunit vaccine composition, isolated polynucleotides comprising a nucleotide sequence encoding a CEV serogroup immunogen, methods for detecting LACV infection in a biological sample and infectious chimeric *Bunyaviridae.*

Application: Immunization against *Bunyaviridae.*

Developmental Status: Live attenuated vaccine candidates are currently being developed and preclinical studies in mice and monkeys are in progress. Suitable vaccine candidates will then be evaluated in clinical studies.

Inventors: Stephen S. Whitehead, Richard S. Bennett, Brian R. Murphy (NIAID).

Publication: RS Bennett *et al.* Genome sequence analysis of La Crosse virus and in vitro and in vivo phenotypes. Virol J. 2007 May 8;4:41.

Patent Status: U.S. Provisional Application No. 60/920,691 filed 29 Mar 2007 (HHS Reference No. E–158–2007/0–US–01); U.S. Provisional Application No. 60/928,406 filed 08 May 2007 (HHS Reference No. E–158–2007/1–US–01); U.S. Provisional Application filed 29 Jun 2007 (HHS Reference No. E–158–2007/2–US–01).

Licensing Status: Available for exclusive or non-exclusive licensing.

Licensing Contact: Peter A. Soukas, J.D.; 301/435–4646; *soukasp@mail.nih.gov.*

Collaborative Research Opportunity: The NIAID Laboratory of Infectious Diseases is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize live attenuated virus vaccine candidates for La Crosse virus and other *Bunyaviridae.* Please contact Dr. Whitehead at 301–496–7692 for more information.

Development of Dengue Virus Type 3 Vaccine Candidates Containing Either (1) Nucleotide Deletions in the 3′-UTR of the Genome Consisting of More Than 30 Contiguous Nucleotides in One or Multiple Regions, or (2) a 3′-UTR Derived From DEN4 and Containing the A30 Nucleotide Deletion

Description of Technology: The disease burden associated with dengue virus infection has increased over the past several decades in the tropical and semi-tropical regions of the world, where over 2 billion people live at risk of dengue infection. Annually, there are an estimated fifty (50) to one hundred (100) million cases of dengue fever, making development of an effective vaccine a priority. In addition, there is a need for a ''travelers vaccine'' to protect those visiting dengue virus endemic areas, similar in scope to other currently available ''travelers vaccines'', such as hepatitis A vaccine.

The previously identified Δ30 attenuating mutation, created in each dengue virus serotype by the removal of 30 homologous nucleotides from the 3′-UTR, is capable of attenuating wild-type strains of dengue virus type 1 (DEN1), type 4 (DEN4) and to a limited extent type 2 (DEN2). These DEN1Δ30 and DEN4Δ30 viruses have been shown to be both safe and immunogenic in humans. However, the Δ30 mutation failed to have an attenuating effect on dengue virus type 3 (DEN3). To generate DEN3 vaccine candidates with a clearly attenuated phenotype, viruses were produced containing 3′-UTR deletions consisting of extensions of the original Δ30 mutation or additional mutations which remove stem-loop structures similar to those removed by Δ30. In addition, the entire 3′-UTR of DEN3 was replaced with the 3′-UTR derived from DEN4 and containing the Δ30 mutation. Studies in monkeys demonstrated that these newly developed viruses are highly attenuated, yet sufficiently immunogenic to warrant their further development for use as live attenuated vaccine candidates. Such viruses are anticipated to become the DEN3 component of a tetravalent vaccine formulation designed to immunize against all four dengue virus serotypes.

Application: Immunization against all four serotypes of dengue virus.

Developmental Status: Vaccine candidates have been synthesized and preclinical studies have been performed. The vaccine candidates of this invention are slated to enter Phase I clinical trials in the next year.

Inventors: Stephen S. Whitehead, Joseph E. Blaney, Brian R. Murphy (NIAID).

Patent Status: PCT Application No. PCT/US2007/076004 filed 15 Aug 2007, claiming priority to 15 Aug 2006 (HHS Reference No. E–139–2006/0–PCT–02).

Licensing Status: Available for exclusive or non-exclusive licensing.

Licensing Contact: Peter A. Soukas, J.D.; 301/435–4646; *soukasp@mail.nih.gov.*

Collaborative Research Opportunity: The National Institute of Allergy and

Infectious Diseases, Laboratory of Infectious Diseases, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize these vaccines. Please contact Dr. Brian Murphy at 301–594–1616 or *bm25f@nih.gov* for more information.

Dengue Tetravalent Vaccine Containing a Common 30-Nucleotide Deletion in the 3′-UTR of Dengue Types 1, 2, 3, and 4

Description of Technology: The invention relates to a dengue virus tetravalent vaccine containing a common 30-nucleotide deletion (Δ30) in the 3′-untranslated region (UTR) of the genome of dengue virus serotypes 1, 2, 3, and 4. The previously identified Δ30 attenuating mutation, created in dengue virus type 4 (DEN4) by the removal of 30 nucleotides from the 3′-UTR, is also capable of attenuating a wild-type strain of dengue virus type 1 (DEN1). Removal of 30 nucleotides from the DEN1 3′-UTR in a highly conserved region homologous to the DEN4 region encompassing the Δ30 mutation yielded a recombinant virus attenuated in rhesus monkeys to a level similar to recombinant virus DEN4Δ30. This established the transportability of the Δ30 mutation and its attenuation phenotype to a dengue virus type other than DEN4. The effective transferability of the Δ30 mutation establishes the usefulness of the Δ30 mutation to attenuate and improve the safety of commercializable dengue virus vaccines of any serotype.

A tetravalent dengue virus vaccine containing dengue virus types 1, 2, 3, and 4 each attenuated by the Δ30 mutation is being developed. The presence of the Δ30 attenuating mutation in each virus component precludes the reversion to a wild-type virus by intertypic recombination. In addition, because of the inherent genetic stability of deletion mutations, the Δ30 mutation represents an excellent alternative for use as a common mutation shared among each component of a tetravalent vaccine.

Inventors: Stephen S. Whitehead (NIAID), Brian R. Murphy (NIAID), Lewis Markoff (FDA), Barry Falgout (FDA), Kathryn A. Hanley (NIAID), Joseph E. Blaney (NIAID).

Patent Status: U.S. Patent Application No. 10/970,640 filed 21 Oct 2004, claiming priority to 03 May 2002 (HHS Reference No. E–089–2002/1–US–02).

Licensing Contact: Peter A. Soukas, J.D.; 301/435–4646; *soukasp@mail.nih.gov.*

Collaborative Research Opportunity: The National Institute of Allergy and Infectious Diseases, Laboratory of Infectious Diseases, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize these vaccines. Please contact Dr. Brian Murphy at 301–594–1616 or *bm25f@nih.gov* for more information.

Development of Mutations Useful for Attenuating Dengue Viruses and Chimeric Dengue Viruses

Description of Technology: Although flaviviruses cause a great deal of human suffering and economic loss, there is a shortage of effective vaccines. This invention relates to dengue virus mutations that may contribute to the development of improved dengue vaccines. Site directed and random mutagenesis techniques were used to introduce mutations into the dengue virus genome and to assemble a collection of useful mutations for incorporation in recombinant live attenuated dengue virus vaccines. The resulting mutant viruses were screened for several valuable phenotypes, including temperature sensitivity in Vero cells or human liver cells, host cell restriction in mosquito cells or human liver cells, host cell adaptation for improved replication in Vero cells, and attenuation in mice or in mosquitoes. The genetic basis for each observed phenotype was determined by direct sequence analysis of the genome of the mutant virus. Mutations identified through these sequencing efforts have been further evaluated by re-introduction of the identified mutations, singly, or in combination, into recombinant dengue virus and characterization of the resulting recombinant virus for phenotypes. In this manner, a menu of attenuating and growth promoting mutations was developed that is useful in fine-tuning the attenuation and growth characteristics of dengue virus vaccine candidates. The mutations promoting growth in Vero cells have usefulness for the production of live or inactivated dengue virus vaccines.

Inventors: Stephen S. Whitehead, Brian R. Murphy, Kathryn A. Hanley, Joseph E. Blaney (NIAID).

Patent Status: U.S. Patent No. 7,226,602 issued 05 Jun 2007 (HHS Reference No. E–120–2001/0–US–04); U.S. Patent Application No. 11/446,050 filed 02 Jun 2006 (HHS Reference No. E–120–2001/0–US–10).

Licensing Contact: Peter A. Soukas, J.D.; 301/435–4646; *soukasp@mail.nih.gov.*

Collaborative Research Opportunity: The National Institute of Allergy and Infectious Diseases, Laboratory of Infectious Diseases, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize these vaccines. Please contact Dr. Brian Murphy at 301–594–1616 or *bm25f@nih.gov* for more information.

Date: January 10, 2008.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E8–1234 Filed 1–24–08; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Monoclonal Antibodies Against Dengue and Other Viruses With Deletion in Fc Region

Description of Invention: The four dengue virus (DENV) serotypes (DENV–1 to DENV–4) are the most important arthropod-borne flaviviruses in terms of morbidity and geographic distribution. Up to 100 million DENV infections occur every year, mostly in tropical and subtropical areas where vector mosquitoes are abundant. Infection with

any of the DENV serotypes may be asymptomatic or may lead to classic dengue fever or more severe dengue hemorrhagic fever (DHF) and dengue shock syndrome (DSS), which are increasingly common in the dengue endemic areas. Immunity to the same virus serotype (homotypic immunity) is life-long, whereas immunity to different serotypes (heterotypic immunity) lasts 2–3 months so that infection with a different serotype virus is possible. DHF/DSS often occurs in patients with second, heterotypic DENV infections or in infants with maternally transferred dengue immunity. Severe dengue is a major cause of hospitalization, and fatality rates vary from <1% to 5% in children.

Antibody-dependent enhancement (ADE) has been proposed as an underlying pathogenic mechanism of DHF/DSS. ADE occurs because preexisting subneutralizing antibodies and the infecting DENV form complexes that bind to Fc receptor-bearing cells, leading to increased virus uptake and replication. ADE has been repeatedly demonstrated *in vitro* using dengue immune sera or monoclonal antibodies and cells of monocytic and recently, B lymphocytic lineages bearing Fc receptors. ADE of DENV–2 infection has also been demonstrated in monkeys infused with a human dengue immune serum.

We have identified chimpanzee-human chimeric IgG1 mAbs capable of neutralizing or binding to one or more DENV serotypes. Cross-reactive IgG 1A5 neutralizes DENV–1 and DENV–2 more efficiently than DENV–3 and DENV–4, and type-specific IgG 5H2 neutralizes DENV–4 at a high titer. Analysis of antigenic variants has localized the IgG 1A5 binding site to the conserved fusion peptide in E. Thus, IgG 1A5 shares many characteristics with the cross-reactive antibodies detected in flavivirus infections.

This application claims a variant of an antibody comprising a polypeptide in the Fc region, which binds an Fc gamma receptor (FcgammaR) with lower affinity than the parent antibody. The variant polypeptide comprises a deletion of nine amino acids at the N-terminus of the C_H2 domain in the Fc region. Introduction of the Fc variant abrogates the antibody-mediated dengue virus replication enhancing activity. This invention has important implications for the antibody-mediated prevention of dengue virus infection.

Application: Immunization against Dengue and/or flaviviruses.

Developmental Status: Antibody candidates have been synthesized and preclinical studies have been performed.

Inventors: Ana Goncalvez, Robert Purcell, C.J. Lai (NIAID).

Publication: AP Goncalvez, *et al.* Monoclonal antibody-mediated enhancement of dengue virus infection in vitro and in vivo and strategies for prevention Proc Natl Acad Sci USA. 2007 May 29;104(22):9422–9427.

Patent Status: U.S. Provisional Application No. 60/922,282 filed 04 Apr 2007 (HHS Reference No. E–159–2007/0–US–01); U.S. Provisional Application No. 60/927,755 filed 04 May 2007 (HHS Reference No. E–159–2007/1–US–01); U.S. Provisional Application No. 60/928,405 filed 08 May 2007 (HHS Reference No. E–159–2007/2–US–01).

Licensing Status: Available for exclusive or non-exclusive licensing.

Licensing Contact: Peter A. Soukas, J.D.; 301/435–4646; *soukasp@mail.nih.gov*.

Monoclonal Antibodies that Neutralize *B. anthracis* Protective Antigen (PA), Lethal Factor (LF) and Edema Factor (EF)

Description of Invention: Anthrax, whether resulting from natural or bioterrorist-associated exposure, is a constant threat to human health. The lethality of anthrax is primarily the result of the effects of anthrax toxin, which has 3 components: a receptor-binding protein known as ''protective antigen'' (PA) and 2 catalytic proteins known as ''lethal factor'' (LF) and ''edema factor'' (EF). Although production of an efficient anthrax vaccine is an ultimate goal, the benefits of vaccination can be expected only if a large proportion of the population at risk is immunized. The low incidence of anthrax suggests that large-scale vaccination may not be the most efficient means of controlling this disease. In contrast, passive administration of neutralizing human or chimpanzee monoclonal antibody to a subject at risk for anthrax or exposed to anthrax could provide immediate efficacy for emergency prophylaxis against or treatment of anthrax.

Four monoclonal antibodies (mAbs) against PA, three mAbs against LF and four mAbs specific for EF of anthrax were isolated from a phage display library generated from immunized chimpanzees. Two mAbs recognizing PA (W1 and W2), two anti-LF mAbs efficiently neutralized the cytotoxicity of lethal toxin in a macrophage lysis assay. One anti-EF mAb efficiently neutralized edema toxin in cell culture. All five neutralizing mAbs protected animals from anthrax toxin challenge.

Application: Prophylactics or therapeutics against *B. anthracis.*

Developmental Status: Preclinical studies have been performed.

Inventors: Zhaochun Chen, Robert Purcell, Suzanne Emerson, Stephen Leppla, Mahtab Moyeri (NIAID).

Publication: Z Chen, *et al.* Efficient neutralization of anthrax toxin by chimpanzee monoclonal antibodies against protective antigen. J Infect Dis. 2006 Mar 1;193(5):625–633.

Patent Status: U.S. Provisional Application No. 60/903,022 filed 23 Feb 2007 (HHS Reference No. E–123–2007/0–US–01); U.S. Patent Application No. 11/793,735 filed 22 Jun 2007 (HHS Reference No. E–146–2004/0–US–03).

Licensing Status: Available for exclusive or non-exclusive licensing.

Licensing Contact: Peter A. Soukas, J.D.; 301/435–4646; *soukasp@mail.nih.gov*.

Collaborative Research Opportunity: The National Institute of Allergy and Infectious Diseases, Laboratory of Infectious Diseases is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize Chimpanzee/human neutralizing monoclonal antibodies against anthrax toxins. Please contact Dr. Robert Purcell at 301–496–5090 for more information.

Cell-Nanofiber Composite and Cell-Nanofiber Composite Amalgam Based Engineered Intervertebral Disc

Description of Invention: Diseased or damaged musculoskeletal tissues are often replaced by an artificial material, cadaver tissue or donated, allogenic tissue. Tissue engineering offers an attractive alternative whereby a live, natural tissue is generated from a construct made up of a patient's own cells or an acceptable/compatible cell source in combination with a biodegradable scaffold for replacement of defective tissue.

Degeneration of the intervertebral disc (IVD) is a common and significant source of morbidity in our society. Approximately 8 of 10 adults at some point in their life will experience an episode of significant low back pain, with the majority improving without any formal treatment. However, for the subject requiring surgical management current interventions focus on fusion of the involved IVD levels, which eliminates pain but does not attempt to restore disc function. Approximately 200,000 spinal fusions were performed in the United States in 2002 to treat pain associated with lumbar disc degeneration. Spinal fusion however is thought to significantly alter the

biomechanics of the disc and lead to further degeneration, or adjacent segment disease. Therefore, in the past decade there has been mounting interest in the concept of IVD replacement. The replacement of the IVD holds tremendous potential as an alternative to spinal fusion for the treatment of degenerative disc disease by offering a safer alternative to current spinal fusion practices.

At the present time, several disc replacement implants are at different stages of preclinical and clinical testing. These disc replacement technologies are designed to address flexion, extension, and lateral bending motions; however, they do little to address compressive forces and their longevity is limited due to their inability to biointegrate. Therefore, a cell-based tissue engineering approach offers the most promising alternative to replace the degenerated IVD. Current treatment for injuries that penetrate subchondral bone include subchondral drilling, periosteal tissue grafting, osteochondral allografting, chondrogenic cell and transplantation; but are limited due to suboptimal integration with host tissues.

The present invention claims tissue engineered intervertebral discs comprising a nanofibrous polymer hydrogel amalgam having cells dispersed therein, methods of fabricating tissue engineered intervertebral discs by culturing a mixture of stem cells or intervertebral disc cells and a electrospun nanofibrous polymer hydrogel amalgam in a suitable bioreactor, and methods of treatment comprising implantation of tissue engineered intervertebral disc into a subject.

Application: Intervertebral disc bio-constructs and electrospinning methods for fabrication of the discs.

Developmental Status: Prototype devices have been fabricated and preclinical studies have been performed.

Inventors: Wan-Ju Li, Leon Nesti, Rocky Tuan (NIAMS)

Patent Status: U.S. Provisional Application No. 60/847,839 filed 27 Sep 2006 (HHS Reference No. E–309–2006/0–US–01); U.S. Provisional Application No. 60/848,284 filed 28 Sep 2006 (HHS Reference No. E–309–2006/1–US–01)

Licensing Status: Available for exclusive or non-exclusive licensing.

Licensing Contact: Peter A. Soukas, J.D.; 301/435–4646; *soukasp@mail.nih.gov*.

Cell-Nanofiber Composite Based Engineered Cartilage

Description of Invention: Available for licensing and commercial development is a tissue-engineered cartilage derived from a cellular composite made from a biodegradable, biocompatible polymeric nanofibrous matrix having dispersed chondrocytes or adult mesenchymal stem cells. More particularly, tissue-engineered cartilage can be prepared where the cartilage has a biodegradable and biocompatible nanofibrous polymer matrix prepared by electrospinning and a plurality of chondrocytes or mesenchymal stem cells dispersed in the pores of the matrix. The tissue-engineered cartilage possesses compressive strength properties similar to natural cartilage.

The electrospinning process is a simple, economical means to produce biomaterial matrices or scaffolds of ultra-fine fibers derived from a variety of biodegradable polymers (Li WJ, *et al. J. Biomed. Mater. Res.* 2002; 60:613–21). Nanofibrous scaffolds (NFSs) formed by electrospinning, by virtue of structural similarity to natural extracellular matrix (ECM), may represent promising structures for tissue engineering applications. Electrospun three-dimensional NFSs are characterized by high porosity with a wide distribution of pore diameter, high-surface area to volume ratio and morphological similarities to natural collagen fibrils (Li WJ, *et al. J. Biomed. Mater. Res.* 2002; 60:613–21). These physical characteristics promote favorable biological responses of seeded cells in vitro and in vivo, including enhanced cell attachment, proliferation, maintenance of the chondrocytic phenotype (Li WJ, *et al. J. Biomed. Mater. Res.* 2003; 67A: 1105–14), and support of chondrogenic differentiation (Li WJ, *et al. Biomaterials* 2005; 26:599–609) as well as other connective tissue linage differentiation (Li WJ, *et al. Biomaterials* 2005; 26:5158–5166). The invention based on cell-nanofiber composite represents a candidate engineered tissue for cell-based approaches to cartilage repair.

Application: Cartilage repair and methods for making tissue-engineered cartilage.

Developmental Status: Electrospinning method is fully developed and cartilage has been synthesized.

Inventors: Wan-Ju Li and Rocky Tuan (NIAMS).

Publications: The invention is further described in:

1. W-J Li, *et al.* Engineering controllable anisotropy in electrospun biodegradable nanofibrous scaffolds for musculoskeletal tissue engineering. J Biomech. 2007;40(8):1686–1693.

2. W-J Li, *et al.* Fabrication and characterization of six electrospun poly(alpha-hydroxy ester)-based fibrous scaffolds for tissue engineering applications. Acta Biomater. 2006 Jul;2(4):377–385.

3. CK Kuo, *et al.* Cartilage tissue engineering: its potential and uses. Curr Opin Rheumatol. 2006 Jan;18(1):64–73. Review.

4. W-J Li, *et al.* Multilineage differentiation of human mesenchymal stem cells in a three-dimensional nanofibrous scaffold. Biomaterials. 2005 Sep;26(25):5158–5166.

Patent Status: U.S. Provisional Application No. 60/690,998 filed 15 Jun 2005 (HHS Reference No. E–116–2005/0–US–01); PCT Application No. PCT/US2006/0237477 filed 15 Jun 2006 (HHS Reference No. E–116–2005/0–PCT–02)

Licensing Status: Available for exclusive or non-exclusive licensing.

Licensing Contact: Peter A. Soukas, J.D.; 301/435–4646; *soukasp@mail.nih.gov.*

Methods for Preparing Complex Multivalent Immunogenic Conjugates

Description of Invention: Claimed in this application are novel methods for preparing complex multivalent immunogenic conjugates and conjugate vaccines. The multivalent conjugates and conjugate vaccines are synthesized by conjugating mixtures of more than one polysaccharide at a desired ratio of the component polysaccharides to at least one carrier protein using hydrazide chemistry. Because of the high efficiency of hydrazide chemistry in conjugation, the polysaccharides are effectively conjugated to the carrier protein(s) so that the resulting complex synthesized vaccine conjugate products, without requiring tedious and complicated purification procedures such as chromatography and/or ammonium sulfate precipitation, are efficacious in inducing antibodies in mice against each component polysaccharide. The methods claimed in this application simplify the preparation of multivalent conjugate vaccines by utilizing simultaneous conjugation reactions in a single reaction mixture or batch that includes at least two immunogenic-distinct polysaccharides. This single-batch simultaneous reaction eliminates the need for multiple parallel synthesis processes for each polysaccharide vaccine conjugate component as employed in conventional methods for making multivalent conjugate vaccines.

Application: Cost effective and efficient manufacturing of conjugate vaccines.

Inventors: Che-Hung Robert Lee (CBER/FDA)

Patent Status: PCT Application No. PCT/US2007/006627 filed 16 Mar 2007 (HHS Reference No. E–085–2005/0–PCT–02).

Licensing Status: Available for exclusive or non-exclusive licensing. The technology is not available for licensing in the field of use of multivalent meningitis vaccines.

Licensing Contact: Peter A. Soukas, J.D.; 301/435–4646; *soukasp@mail.nih.gov*.

Bioreactor Device and Method and System for Fabricating Tissue

Description of Invention: Available for licensing and commercial development is a millifluidic bioreactor system for culturing, testing, and fabricating natural or engineered cells and tissues. The system consists of a millifluidic bioreactor device and methods for sample culture. Biologic samples that can be utilized include cells, scaffolds, tissue explants, and organoids. The system is microchip controlled and can be operated in closed-loop, providing controlled delivery of medium and biofactors in a sterile temperature regulated environment under tabletop or incubator use. Sample perfusion can be applied periodically or continuously, in a bidirectional or unidirectional manner, and medium re-circulated.

Advantages: The device is small in size, and of conventional culture plate format.

Provides the ability to grow larger biologic samples than microfluidic systems, while utilizing smaller medium volumes than conventional bioreactors. The bioreactor culture chamber is adapted to contain sample volumes on a milliliter scale (10 [mu]L to 1 mL, with a preferred size of 100 [mu]L), significantly larger than chamber volumes in microfluidic systems (on the order of 1 [mu]L). Typical microfluidic systems are designed to culture cells and not larger tissue samples.

The integrated medium reservoirs and bioreactor chamber design provide for, (1) concentration of biofactors produced by the biologic sample, and (2) the use of smaller amounts of exogenous biofactor supplements in the culture medium. The local medium volume (within the vicinity of the sample) is less than twice the sample volume. The total medium volume utilized is small, preferably 2 ml, significantly smaller than conventional bioreactors (typically using 500–1,000 mL).

Provides for real-time monitoring of sample growth and function in response to stimuli via an optical port and embedded sensors. The optical port provides for microscopy and spectroscopy measurements using transmitted, reflected, or emitted (e.g., fluorescent, chemiluminescent) light. The embedded sensors provide for measurement of culture fluid pressure and sample pH, oxygen tension, and temperature.

Capable of providing external stimulation to the biologic sample, including mechanical forces (e.g. fluid shear, hydrostatic pressure, matrix compression, microgravity via clinorotation), electrical fields (e.g., AC currents), and biofactors (e.g., growth factors, cytokines) while monitoring their effect in real-time via the embedded sensors, optical port, and medium sampling port.

Monitoring of biologic sample response to external stimulation can be performed non-invasively and non-destructively through the embedded sensors, optical port, and medium sampling port. Testing of tissue mechanical and electrical properties (e.g., stiffness, permeability, loss modulus via stress or creep test, electrical impedance) can be performed over time without removing the sample from the bioreactor device.

The bioreactor sample chamber can be constructed with multiple levels fed via separate perfusion circuits, facilitating the growth and production of multiphasic tissues.

Application: Cartilage repair and methods for making tissue-engineered cartilage.

Development Stage: Electrospinning method is fully developed and cartilage has been synthesized.

Inventors: Juan M. Taboas (NIAMS), Rocky S. Tuan (NIAMS), *et al.*

Patent Status: U.S. Provisional Application No. 60/701,186 filed 20 Jul 2005 (HHS Reference No. E–042–2005/0–US–01); PCT Application No. PCT/US2006/028417 filed 20 Jul 2006, which published as WO 2007/012071 on 25 Jan 2007 (HHS Reference No. E–042–2005/0–PCT–02)

Licensing Status: Available for exclusive or non-exclusive licensing.

Licensing Contact: Peter A. Soukas, J.D.; 301/435–4646; *soukasp@mail.nih.gov*.

Monoclonal Antibodies Against Orthopoxviruses

Description of Invention: Concerns that variola (smallpox) virus might be used as a biological weapon have led to the recommendation of widespread vaccination with vaccinia virus. While vaccination is generally safe and effective for prevention of smallpox, it is well documented that various adverse reactions in individuals have been caused by vaccination with existing licensed vaccines. Vaccinia immune globulin (VIG) prepared from vaccinated humans has historically been used to treat adverse reactions arising from vaccinia immunization. However, VIG lots may have different potencies and carry the potential to transmit other viral agents.

Chimpanzee Fabs against the B5 and A33 outer extracellular membrane proteins of vaccinia virus were isolated and converted into complete mAbs with human gamma1 heavy chain constant regions. The two mAbs displayed high binding affinities to B5 and A33. The mAbs inhibited the spread of vaccinia virus as well as variola virus (the causative agent of smallpox) *in vitro*, protected mice from subsequent intranasal challenge with virulent vaccinia virus, protected mice when administered 2 days after challenge, and provided significantly greater protection than that afforded by VIG.

Application: Prophylactics or therapeutics against orthopoxviruses.

Developmental Status: Preclinical studies have been performed.

Inventors: Zhaochun Chen, Robert Purcell, Suzanne Emerson, Patricia Earl, Bernard Moss (NIAID).

Publications:

1. Z Chen, *et al.* Chimpanzee/human mAbs to vaccinia virus B5 protein neutralize vaccinia and smallpox viruses and protect mice against vaccinia virus. Proc Natl Acad Sci USA. 2006 Feb 7;103(6):1882–1887. Epub 2006 Jan 25.

2. Z Chen, *et al.* Characterization of chimpanzee/human monoclonal antibodies to the vaccinia A33 glycoprotein and its variola virus homolog in vitro and in a vaccinia mouse protection model. J Virol. 2007 Jun 20; Epub ahead of print, doi 10.1128/JVI.00906–07.

Patent Status: PCT Patent Application No. PCT/US2006/048832 filed 22 Dec 2006 (HHS Reference No. E–145–2004/3–PCT–01); PCT Patent Application No. PCT/US2006/048833 filed 22 Dec 2006 (HHS Reference No. E–145–2004/4–PCT–01)

Licensing Status: Available for exclusive or non-exclusive licensing.

Licensing Contact: Peter A. Soukas, J.D.; 301/435–4646; *soukasp@mail.nih.gov*.

Collaborative Research Opportunity: The National Institute of Allergy and Infectious Diseases, Laboratory of Infectious Diseases, is seeking statements of capability or interest from

parties interested in collaborative research to further develop, evaluate, or commercialize Chimpanzee/human neutralizing monoclonal antibodies against orthopoxviruses. Please contact Dr. Robert Purcell at 301–496 5090 for more information.

A Method With Increased Yield for Production of Polysaccharide-Protein Conjugate Vaccines Using Hydrazide Chemistry

Description of Invention: Current methods for synthesis and manufacturing of polysaccharide-protein conjugate vaccines employ conjugation reactions with low efficiency (about twenty percent). This means that up to eighty percent of the added activated polysaccharide (PS) is lost. In addition, inclusion of a chromatographic process for purification of the conjugates from unconjugated PS is required.

The present invention utilizes the characteristic chemical property of hydrazide groups on one reactant to react with aldehyde groups or cyanate esters on the other reactant with an improved conjugate yield of at least sixty percent. With this conjugation efficiency the leftover unconjugated protein and polysaccharide would not need to be removed and thus the purification process of the conjugate product can be limited to diafiltration to remove the by-products of small molecules. The new conjugation reaction can be carried out within one or two days with reactant concentrations between 1 and 25 mg/mL at PS/protein ratios from 1:2 to 3:1, at temperatures between 4 and 40 degrees Centigrade, and in a pH range of 5.5 to 7.4, optimal conditions varying from PS to PS.

Application: Cost effective and efficient manufacturing of conjugate vaccines.

Inventors: Che-Hung Robert Lee and Carl E. Frasch (CBER/FDA)

Patent Status: U.S. Patent Application No. 10/566,899 filed 01 Feb 2006, claiming priority to 06 Aug 2003 (HHS Reference No. E–301–2003/0–US–10); U.S. Patent Application No. 10/566,898 filed 01 Feb 2006, claiming priority to 06 Aug 2003 (HHS Reference No. E–301–2003/1–US–02); International rights available.

Licensing Status: Available for non-exclusive licensing.

Licensing Contact: Peter A. Soukas, J.D.; 301/435–4646; *soukasp@mail.nih.gov*.

γPGA Conjugates for Eliciting Immune Responses Directed Against *Bacillus anthracis* and Other Bacilli

Description of Invention: This invention claims immunogenic conjugates of a poly-γ-glutamic acid (γPGA) of *B. anthracis*, or of another bacillus that expresses a γPGA that elicit a serum antibody response against *B. anthracis*, in mammalian hosts to which the conjugates are administered. The invention also relates methods which are useful for eliciting an immunogenic response in mammals, particularly humans, including responses which provide protection against, or reduce the severity of, infections caused by *B. anthracis*. The vaccines claimed in this application are intended for active immunization for prevention of *B. anthracis* infection, and for preparation of immune antibodies. The vaccines of this invention are designed to confer specific immunity against infection with *B. anthracis*, and to induce antibodies specific to *B. anthracis* γPGA. The *B. anthracis* vaccine is composed of non-toxic bacterial components, suitable for infants, children of all ages, and adults.

Inventors: Rachel Schneerson (NICHD), Stephen Leppla (NIAID), John Robbins (NICHD), Joseph Shiloach (NIDDK), Joanna Kubler-Kielb (NICHD), Darrell Liu (NIDCR), Fathy Majadly (NICHD).

Publication: R Schneerson, *et al.* Poly (gamma-D-glutamic acid) protein conjugates induce IgG antibodies in mice to the capsule of *Bacillus anthracis*: a potential addition to the anthrax vaccine. Proc Natl Acad Sci USA. 2003 Jul 22;100(15):8945–50.

Patent Status: U.S. Patent Application No. 10/559,825 filed 02 Dec 2005, claiming priority to 05 Jun 2003 (HHS Reference No. E–343–2002/0–US–04).

Licensing Status: Available for licensing.

Licensing Contact: Peter A. Soukas, J.D.; 301/435–4646; *soukasp@mail.nih.gov*.

Oligodeoxynucleotide and its Use To Induce an Immune Response

Description of Invention: This invention comprises oligodeoxynucleotides (ODNs) having at least 10 nucleotides with an unmethylated central CpG motif that are immunostimulatory in humans. The inventors have shown that the various ODNs of this invention (having different CpG motifs and backbones) induce immune responses from human non-B and B cells. The motif that stimulates non-B cells induces production and release of multiple T cell cytokines and chemokines; specifically, the Th1 cytokine IFN-gamma, which facilitates the development of a cytotoxic T cell response. In contrast, the motif that stimulates B cells induces production and release of various cytokines, including, but not limited to IL–6, which supports a Th2 antibody response. The inventors have generated in vitro and ex vivo data showing the ODNs of this invention have utility in precisely regulating the type and magnitude of the immune response in human cells. The present invention has multiple therapeutic uses, including but not limited to cancer, vaccine adjuvants, treating autoimmune disorders and immune system deficiencies, as well as an anti-infective agent and in combination with any antisense therapy.

Inventors: Dennis Klinman (FDA), Daniela Verthelyi (FDA), Kenji Ishii (NINDS).

Patent Status: U.S. Patent Application No. 11/595,211 filed 09 Nov 2006, claiming priority to 12 Apr 1999 (HHS Reference No. E–147–1999/0–US–05).

Licensing Status: Available for licensing.

Licensing Contact: Peter A. Soukas, J.D.; 301/435–4646; *soukasp@mail.nih.gov*.

A Method of Immunizing Humans Against Salmonella Typhi Using a Vi-rEPA Conjugate Vaccine

Description of Invention: This invention is a method of immunization against typhoid fever using a conjugate vaccine comprising the capsular polysaccharide of *Salmonella typhi*, Vi, conjugated through an adipic dihydrazide linker to nontoxic recombinant exoprotein A (rEPA) from *Pseudomonas aeruginosa*. The three licensed vaccines against typhoid fever, attenuated *S. typhi* Ty21a, killed whole cell vaccines and Vi polysaccharide, have limited efficacy, in particular for children under 5 years of age, which make an improved vaccine desirable.

It is generally recognized that an effective vaccine against *Salmonella typhi* is one that increases serum anti-Vi IgG eight-fold six weeks after immunization. The conjugate vaccine of the invention increases anti-Vi IgG, 48-fold, 252-fold and 400-fold in adults, in 5–14 years-old and 2–4 years-old children, respectively. Thus this is a highly effective vaccine suitable for children and should find utility in endemic regions and as a traveler's vaccine. The route of administration can also be combined with routine immunization. In 2–5 years old, the protection against typhoid fever is 90% for 4 years. In school age children and in adults the protection could mount to

completer protection according to the immunogenicity data.

Application: Immunization against *Salmonella typhi* for long term prevention of typhoid fever in all ages.

Developmental Status: Conjugates have been synthesized and clinical studies have been performed. The synthesis of the conjugates is described by Kossaczka, *et al.* in Infect Immun. 1997 June;65(7):2088–2093. Phase III clinical studies are described by Mai, *et al.* in N Engl J Med. 2003 October 2; 349(14):1390–1391. Dosage studies are described by Canh, *et al.* in Infect Immun. 2004 Nov; 72(11):6586–6588.

A safety and immunogenicity study in infants are under way. The aim is to administer the conjugate vaccine with routine infant immunization. Preliminary results shows the vaccine is safe in 2 months old infants.

Inventors: Zuzana Kossaczka, Shousun C. Szu, and John B. Robbins (NICHD).

Patent Status: U.S. Patent 6,797,275 issued 28 Sep 2004 (HHS Reference No. E–020–1999/0–US–02); U.S. Patent Application No. 10/866,343 filed 10 Jun 2004 (HHS Reference No. E–020–1999/0–US–03); U.S. Patent Application No. 11/726,304 filed 20 Mar 2007 (HHS Reference No. E–020–1999/0–US–04).

Licensing Status: Available for non-exclusive licensing.

Licensing Contact: Peter A. Soukas, J.D.; 301/435–4646; *soukasp@mail.nih.gov*.

Collaborative Research Opportunity: The National Institute of Child Health and Human Development, Laboratory of Developmental and Molecular Immunity, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize A Method of Immunizing Humans Against Salmonella Typhi Using a Vi-rEPA Conjugate Vaccine. Please contact John D. Hewes, Ph.D., at 301–435–3121 or *hewesj@mail.nih.gov* for more information.

Dated: January 10, 2008.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E8–1232 Filed 1–24–08; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Diagnosis and Treatment of Barrett's Esophagus and Associated Esophageal Adenocarcinoma

Description of Invention: Barrett's esophagus is a condition in which the normal esophageal tissue lining has been replaced by an abnormal lining of gastric and intestinal tissue resulting from chronic gastroesophageal reflux disease. Patients have an increased risk of developing esophageal adenocarcinoma, which is often detected at later stages and is associated with poor prognosis. Survival rates are very low ranging from 10% in Europe to 16% in the United States.

Available for licensing are microRNA (miRNA) biomarkers that show differential expression in the adenocarcinoma diagnosis and Barrett's esophagus status, and they can predict diagnosis and Barrett's esophagus with accuracies of 71.4% and 74.7%, respectively. Thus, these miRNA biomarkers that may predispose individuals to Barrett's esophagus and/or esophageal adenocarcinoma could provide a means for earlier detection and help in better identifying treatment options.

Applications:

Method to diagnose and treat Barrett's esophagus and esophageal adenocarcinoma.

miRNA pharmaceutical compositions to treat Barrett's esophagus.

Advantages: Early diagnostic that can more accurately stratify patients for increased survival rates and appropriate treatments.

Development Status: The technology is currently in the pre-clinical stage of development.

Market: Esophageal cancer is the 8th most common cancer and 6th most common cause of cancer worldwide.

Survival rate of esophageal cancer is 10% to 16% in Europe and United States respectively.

miRNA technologies have an emerging market, and in 2007, it was worth an estimated 23 million dollars in the U.S. and it has a projected annual growth rate of 100%.

Inventors: Ewy Mathe (NCI), Curtis C. Harris (NCI), *et al.*

Patent Status: U.S. Provisional Application No. 60/979,300 filed 11 Oct 2007 (HHS Reference No. E–008–2008/0–US–01).

Licensing Status: Available for non-exclusive licensing.

Licensing Contact: Jennifer Wong; 301–435–4633; *wongje@mail.nih.gov.*

Collaborative Research Opportunity: The Laboratory of Human Carcinogenesis at the National Cancer Institute is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize methods to diagnose and treat Barrett's esophagus and esophageal carcinoma. Please contact John D. Hewes, Ph.D. at 301–435–3121 or *hewesj@mail.nih.gov* for more information.

Mouse Model for Obesity and Type 2 Diabetes Due to Inactivation of ANKRD26 Gene

Description of Invention: Obesity and type II diabetes are major health hazards both in the United States and internationally. The incidence of obesity has been steadily increasing, underscoring the need to identify and develop effective treatments. As a result, there has been a strong effort to create animal models to help study these diseases.

NIH inventors have created a new mouse model for obesity and type II diabetes. In this model, both copies of the ANKRD26 gene are inactivated by the insertion of a marker gene (beta-galactosidase) into the open reading frame of the gene. The resulting knockout mouse exhibits extreme obesity, increased organ and body size,

and acquired insulin resistance. The mouse also expresses the marker gene, thereby allowing the monitoring of ANKRD26 expression patterns.

Applications:

Study and identify treatments for obesity and type II diabetes.

Examine ANKRD26 expression under various conditions.

Study the progression of obesity and type II diabetes in a specific genetic background.

Advantages:

Distinct phenotype from other mouse models for obesity and type II diabetes allows broader study of the diseases when used in combination with other mouse models.

Distinct phenotype allows the study of obesity in a previously unidentified genetic background.

Benefits: Obesity can increase the susceptibility to other health conditions such as cardiovascular disease. It has been reported that billions of tax dollars a year are spent in the treatment of obesity-attributable conditions. The use of this animal model could result in social benefit, in terms of both health and financial concerns, by leading to the development of new methods of treating obesity. Furthermore, the incidence of obesity has more than doubled over the past 10 years, suggesting that the discovery of new treatments would result in strong financial returns.

Inventor: Ira Pastan (NCI).

Publication: TK Bera *et al.* A model for obesity and gigantism due to disruption of the Ankrd26 gene. Proc Natl Acad Sci USA. 2008 Jan 8;105(1):270–275.

Patent Status: HHS Reference No. E–156–2007/0—Research Tool. Patent protection is not being sought for this technology.

Licensing Status: Available for licensing.

Licensing Contact: David A. Lambertson, PhD; 301–435–4632; *lambertsond@mail.nih.gov.*

Photosensitization by Nuclear Receptor-Ligand Complexes and Cell Ablation Uses Thereof

Description of Invention: Androgen receptors (AR) mediate the effects of male steroid hormones and contribute to a wide variety of physiological and pathophysiological conditions. Prostate cancer development and progression are mediated through AR, a ligand-dependent transcription factor, and it is present in all stages of prostate carcinoma. Increased levels of PSA, an AR-induced prostate tumor-specific protein, are indicative of prostate cancer. Benign, non-cancerous conditions are also AR-dependent and can be therapeutic targets as well.

This technology is a method to cause AR-induced cell death (apoptosis) through photoactivation of a non-steroidal androgen receptor antagonist 1,2,3,4-tetrahydro-2,2-dimethyl-6-(trifluoromethyl)-8-pyridono[5,6-g] quinoline (TDPQ). Upon TDPQ binding to AR, a highly potent photocytoxic reaction induced once the TDPQ-AR complex is exposed to visible light irradiation of a specific wavelength. The inventors have cell-culture results demonstrating that cell death is a function of TDPQ, AR and light irradiation. This treatment method can potentially target AR-containing cancerous cells, while sparing nearby cells that lack AR.

The process has been extended to other nuclear receptors by choice of other photoactivatable ligands for these receptors. Certain suitable ligands are marketed drugs.

Applications: Therapeutic compounds to treat AR related conditions such as prostate cancer, baldness, hirsutism, and acne.

Potential therapeutics for progesterone and glucorticoid receptor ligand related conditions such as breast and brain cancers, lymphoma, leukemia and arthritis.

Method to treat androgen, progesterone, and glucorticoid receptor related conditions.

Market: Prostate cancer is the second most common type of cancer among men, wherein one in six men will be diagnosed with prostate cancer.

An estimated 218,890 new cases of prostate cancer and 27,050 deaths due to prostate cancer in the U.S. in 2007.

Hirsutism affects approximately 5% of adult women in the United States.

Hair loss and acne industries are worth several billions of dollars.

Development Status: The technology is currently in the pre-clinical stage of development.

Inventors: William T. Schrader *et al.* (NIEHS).

Publications:

1. B Risek *et al.* Androgen Receptor-Mediated Apoptosis is Regulated by Photoactivatable AR Ligands. Presented at the Annual Meeting of the Endocrine Society in Toronto, Canada in June 2007.

2. B Risek *et al.* Photocytotoxic Properties of the Non-Steroidal Androgen Receptor Antagonist TDPQ. Presented at the Annual Meeting of the Endocrine Society in Boston, MA in June 2006.

Patent Status: U.S. Provisional Application No. 60/926,218 filed 24 Apr 2007 (HHS Reference No. E–108–2007/0–US–01).

Licensing Status: Available for exclusive or non-exclusive licensing.

Licensing Contact: Jennifer Wong; 301–435–4633; *wongje@mail.nih.gov.*

Antibodies and Polypeptides Specific to AAMP–1: Diagnostic and Therapeutic Uses Thereof

Description of Invention: Angio-associated migratory cell protein (AAMP–1) was first isolated from a human melanoma cell line as a motility-associated cell protein. AAMP–1 contains two immunoglobin domains, six WD40 repeats, and a heparin-binding domain. In vitro, over expression of AAMP–1 promotes tumor cell invasion and metastasis as well as angiogenesis. AAMP–1 was later found to be over expressed in endothelial cells, cytotrophoblasts, and poorly differentiated colon adenocarcinoma cells found in lymphatics. In addition, gene expression studies have shown that AAMP–1 is over expressed in breast and gastrointestinal tumors. The issued patents claim proteins, polypeptides, and recombinant polyclonal antibodies specific to AAMP–1 and their use in diagnostic and therapeutic applications.

Applications: The antibodies specific to AAMP–1 can detect formalin-fixed antigen and SDS-denatured antigen. These antibodies can be used for detailed expression studies of AAMP–1 in different cancer cell lines.

The antibodies could also be used to detect AAMP–1 in patient's sera as a useful diagnostic marker for multiple carcinomas including high nuclear grade ductal carcinoma in situ (Clinical Cancer Research Dec 2002 8:3788–95).

Claimed proteins and polypeptides could also be used to promote cell adhesion to a substrate, promote tissue acceptance of prostheses, and promote wound healing.

Development Status: This technology is currently in the pre-clinical stage of development.

Market: Estimated new cases and deaths from breast cancer in the United States in 2007: New cases: 178,480 (female); 2,030 (male); Deaths: 40,460 (female); 450 (male).

Inventors: Marie Beckner, Henry Krutzsch and Lance Liotta (NCI).

Publications:

1. ME Beckner *et al.* AAMP, a newly identified protein, shares a common epitope with alpha-actinin and a fast skeletal muscle fiber protein. Exp Cell Res. 1996 Jun 15;225(2):306–314.

2. A Adeyinka *et al.* Analysis of gene expression in ductal carcinoma in situ of the breast. Clin Can Res. 2002 Dec;8(12):3788–3795.

Patent Status: U.S. Patent No. 6,274,134 issued 14 Aug 2001 (HHS Reference No. E–084–1991/1–US–01); Australian Patent No. 684,806 issued 23 Apr 1998 (HHS Reference No. E–084–1991/1–AU–05); Australian Patent No. 668,134 issued 26 Apr 1996 (HHS Reference No. E–084–1991/0–AU–03) and Japanese Patent No. 3,715,313 issued 9 November 2005 (HHS Reference No. E–084–1991/1–JP–04).

Licensing Status: Available for exclusive or non-exclusive licensing.

Licensing Contact: Surekha Vathyam, PhD; 301–435–4076; *vathyams@mail.nih.gov.*

Dated: January 16, 2008.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E8–1244 Filed 1–24–08; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Human Papillomavirus microRNA Diagnostics and Therapeutics

Description of Technology: Available for licensing and commercial development are patent rights that cover the uses of a p53 specific microRNA (miRNA). It has been reported that the tumor suppressive mRNA miR–34a is downregulated in HPV-infected primary keratinocytes. miR–34a arrests the cell cycle at G2 phase and promotes apoptosis. Therapeutic restoration of normal miR–34a expression levels and/or simultaneous stabilization of p53 (inhibited by HPV E6) may induce miR–34a accumulation in G0/G1 phase and potentially arrest tumor growth.

Applications: Cervical cancer; Human papillomavirus; Therapeutics.

Inventors: Zhi-Ming Zheng, Xiaohong Wang (NCI).

Relevant Publications:

1. WO Lui *et al.* Patterns of known and novel small RNAs in human cervical cancer. Cancer Res. 2007 Jul 1;67(13):6031–6043.

2. I Martinez *et al.* Human papillomavirus type 16 reduces the expression of microRNA–218 in cervical carcinoma cells. Oncogene 2007 Nov 12; Advance online publication, doi:10.1038/sj.onc.1210919.

Patent Status: U.S. Provisional Application No. 60/983,368 filed 29 Oct 2007 (HHS Reference No. E–029–2008/0–US–01).

Licensing Status: Available for licensing.

Licensing Contact: Michael A. Shmilovich, Esq.; 301/435–5019; *shmilovm@mail.nih.gov.*

Collaborative Research Opportunity: The National Cancer Institute HIV and AIDS Malignancy Branch is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize HPV-induced aberrant expression of microRNAs for cervical cancer diagnostics and therapeutics. Please contact John D. Hewes, PhD at 301–435–3121 or *hewesj@mail.nih.gov* for more information.

Nitroxide Radical as a Treatment for Neurodegeneration

Description of Technology: This invention describes the use of a nitroxide radical to treat or prevent the progression of neurodegeneration characterized by a deficiency in iron regulatory protein 2 (IRP 2) function. The inventors discovered that IRP 2 null mice with adult-onset neurodegeneration and microcytic anemia regain activity of iron regulatory protein 1 (IRP 1) after eating food formulations containing specific nitroxide radicals. The inventors also discovered the nitroxide agent prevents the progression of neurodegeneration by attacking inhibitory iron-sulfur clusters found on IRP 1 thereby allowing IRP 1 to bind to iron responsive elements found on transcripts that encode iron metabolism proteins that regulate cellular iron homeostasis in the brain.

Applications: Treatment for neurological disorders resulting from a deficiency in the amount of bioavailable iron in the central nervous system, including Alzheimer's and Parkinson's disease, erythropoietic protoporphyria or adult-onset neurodegeneration.

Market: Over 22 million people suffer from neurodegenerative diseases worldwide, and in 2050, this number could triple due to increased life expectancy and an increased aging population.

Development Status: Early-stage.

Inventors: Tracey Rouault *et al.* (NICHD).

Patent Status: U.S. Provisional Application No. 60/894,134 filed 09 Mar 2007 (HHS Reference No. E–153–2007/0–US–01).

Licensing Status: Available for licensing.

Licensing Contact: Charlene A. Sydnor, PhD; 301/435–4689; *sydnorc@mail.nih.gov.*

A Sensitive, High Throughput Pseudovirus-Based Papillomavirus Neutralization Assay for HPV 16 and HPV 18

Description of Technology: This invention is a research tool for measuring protective antibody responses against Human Papilloma Viruses (HPV). Sensitive high-throughput neutralization assays, based upon pseudoviruses carrying a secreted alkaline phosphatase (SEAP) reporter gene, were developed and validated by the inventors for HPV 16, HPV 18, and bovine papillomavirus 1 (BPV1). In a 96-well plate format, the assay was reproducible and appears to be as sensitive as, but more type-specific than, a standard papillomavirus-like particle (VLP)-based enzyme-linked immunosorbent assay (ELISA). The SEAP pseudovirus-based neutralization assay should be a practical method for quantifying potentially protective antibody responses in HPV natural history and prophylactic vaccine studies.

Inventors: John T. Schiller (NCI), Douglas R. Lowy (NCI), Christopher Buck (NCI), Diana V. Pastrana (NCI), *et al.*

Publication: The assay is further described in Pastrana *et al.*, ''Reactivity of human sera in a sensitive, high-throughput pseudovirus-based papillomavirus neutralization assay for HPV16 and HPV18,'' Virology. 2004 Apr 10;321(2):205–216.

Patent Status: HHS Reference No. E–137–2004/0—Research Material.

Licensing Status: This assay is available nonexclusively through a biological materials license.

Licensing Contact: Peter A. Soukas, J.D.; 301/435–4646; *soukasp@mail.nih.gov.*

Molecular Motors Powered by Proteins

Description of Technology: The technology available for licensing and commercial development relates to molecular motors powered by proteins. Some implementations describe a molecular motor in which multiple concentric cylinders or nested cones rotate around a common longitudinal axis. Opposing complementary surfaces of the cylinders or cones are coated with complementary motor protein pairs, such as actin and myosin. The actin and myosin interact with one another in the presence of ATP to rotate the cylinders or cones relative to one another, and this rotational energy is harnessed to produce work. Speed of movement is controlled by the concentration of ATP and the number of nested cylinders or cones. The length of the cylinders or cones can also be used to control the power generated by the motor.

Another configuration forms the motor out of a set of stacked disks, much like CDs on a spindle. The advantage of this form is extreme simplicity of construction compared to the nested cylinders or cones. In yet another configuration, which has aspects of both of the previous forms, the surfaces are broken into annular rings in order to overcome that the inner surfaces rotate at a different rate than the outer surfaces. This belt form may ultimately be used in molecular manufacturing.

Applications: Supplying power to prosthetic implants and other medical devices without external power sources.

Many other applications that could use a motor in other biotechnological areas, in addition to the medical applications.

The inventions can be implemented on either a microscopic or macroscopic scale.

Development Status: Very early stage of development.

Inventors: Thomas D. Schneider and Ilya G. Lyakhov (NCI).

Relevant Publications: ''Molecular motor'', Patent Publication Nos. WO 2001/009181 A1, published 02/08/2001; CA 2380611A1, published 02/08/2001; AU 6616600A, published 02/19/2001; EP 1204680A1, published 05/15/2002; and U.S. 20020083710, published 07/04/2002.

Patent Status: HHS Reference No. E–018–1999/0—International Application Number PCT/US 2000/20925 filed 07/31/2000; granted Application AU 2002/18688 B2, and the corresponding European and Canadian applications being prosecuted, all entitled ''Molecular Motor.''

HHS Reference No. E–018–1999/1—allowed U.S. Application No. 10/061,377 filed 02/01/2002, entitled ''Molecular Motor.''

Licensing Status: Available for non-exclusive or exclusive licensing.

Licensing Contact: Cristina Thalhammer-Reyero, PhD, MBA; 301–435–4507; *thalhamc@mail.nih.gov.*

Collaborative Research Opportunity: The National Cancer Institute, Center for Cancer Research Nanobiology Program is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize the Molecular Rotation Engine. Please contact John D. Hewes, PhD at 301–435–3121 or *hewesj@mail.nih.gov* for more information.

Dated: January 16, 2008.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E8–1247 Filed 1–24–08; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESS: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

3D Imaging of Mammalian Cells Using Focused Ion Beam-Secondary Ion Mass Spectrometry (FIB–SIMS)

Description of Technology: Available for licensing and commercial development is a new automated approach to cellular imaging that allows 3D visualization of cellular organelles and protein expression at nanometer (nm) resolution using ion abrasion scanning electron microscopy (IA–SEM). The approach uses established technologies for 3D imaging [1, 2] by iterative use of a focused ion beam and scanning electron beam combined with established technologies for mass spectrometry. Strategies to explore the 3D distribution of cellular components are being developed with the goal of establishing rapid methods for determining protein, metabolite and drug localization in the subcellular space.

Applications: Cytology; Oncology; Cell biology; Drug development; Drug targeting.

Development Status: Pilot experiments are ongoing for the development and optimization of the technology using commercially available components. Clinical applications for the diagnosis of tissue specimens are also being explored.

Inventor: Sriram Subramaniam (NCI).

Publications:

1. J Heymann, M Hayles, I Gestmann, L Giannuzzi, L Lich, S Subramaniam. Site-specific 3D imaging of cells and tissues with a dual beam microscope. J. Struct. Biol. 2006 Jul;155(1):63–73.

2. J Heymann, D Shi, S Kim, D Bliss, J Milne, S Subramaniam. 3D imaging of melanoma cells using automated ''ion abrasion scanning electron microscopy''. Microsc Microanal. 2007 Aug;13(Suppl 2):360–361, doi 10.1017/S1431927607079287.

Patent Status: U.S. Provisional Application No. 60/970,070 filed 05 Sep 2007 (HHS Reference No. E–313–2007/0–US–01); U.S. Provisional Application No. 60/974,686 filed 24 Sep 2007 (HHS Reference No. E–313–2007/1–US–01).

Licensing Status: Available for exclusive or non-exclusive licensing.

Licensing Contact: Michael A. Shmilovich, Esq.; 301/435–5019; *shmilovm@mail.nih.gov.*

Collaborative Research Opportunity: The National Cancer Institute is seeking statements of capability or interest from parties interested in collaborative research and/or partnership agreements to further develop and commercialize tools for 3D mapping cells and tissues at nanometer resolution. Please contact

John D. Hewes, Ph.D. at 301–435–3121 or *hewesj@mail.nih.gov* for more information.

A Drug Index to Quantify Harmful Drug Exposure in Older Adults

Description of Technology: Polypharmacy is the simultaneous use of multiple drugs. It is prevalent in individuals ages 65 and older who carry a high burden of illness and take various medications for treatment. Reducing the incidence of polypharmacy in older people presents a major challenge for healthcare professionals. NIH scientists have discovered a novel method to assess polypharmacy for which physicians can use to evaluate drug response of patients more effectively and determine better therapeutic regimens for the patient. This method calculates the total drug burden (TDB) index associated with anticholinergic and sedative drugs, using the equation, $TDB = B_{AC} + B_S$. Further, this invention could be implemented into a portable computing device, such as personal digital assistant (PDA).

Applications: Useful for physicians to help reduce prescribing errors, lower the incidence of adverse drug reactions and improve medical outcomes in older patients.

Market:

Seven percent (7%) of the elderly are under polypharmacy and purchase over 30% of prescription drugs and 40% of over-the-counter (OTC) drugs.

Medication misuse costs the health care system over $177 billion dollars and results in more than 200,000 deaths each year.

Development Status: Early stage.

Inventors: Darrell R. Abernethy (NIA), *et al.*

Patent Status: International Application No. PCT/US06/44718 filed 17 Nov 2006 (HHS Reference No. E–241–2006/0–PCT–01)

Licensing Status: Available for licensing.

Licensing Contact: Rung C. Tang, J.D.; 301/435–5031; *tangrc@mail.nih.gov*.

Recombinant Modified *Bacillus anthracis* Protective Antigen for Use in Vaccines

Description of Invention: This invention relates to improved methods of preparing Bacillus anthracis protective antigen (PA) for use in vaccines. PA is a secreted, non-toxic protein with a molecular weight of 83 KDa. PA is a major component of the currently licensed human vaccine (Anthrax Vaccine Adsorbed, AVA). Although the licensed human vaccine has been shown to be effective against cutaneous anthrax infection in animals and humans and against inhalation anthrax in rhesus monkeys, the licensed vaccine has several limitations: (1) AVA elicits a relatively high degree of local and systemic adverse reactions, probably mediated by variable amounts of undefined bacterial products, making standardization difficult; (2) the immunization schedule requires administration of six doses within an eighteen (18) month period, followed by annual boosters; (3) there is no defined vaccine-induced protective level of antibody to PA by which to evaluate new lots of vaccines; and (4) AVA is comprised of a wild-type PA. It has been suggested that a vaccine comprising a modified purified recombinant PA would be effective, safe, allow precise standardization, and require fewer injections.

This invention claims methods of producing and recovering PA from a cell or organism, particularly a recombinant cell or microorganism. The invention claims production and purification of modified PA from a non-sporogenic strain of *Bacillus anthracis*. In contrast to other previously described methods, greater quantities of PA are obtainable from these cells or microorganisms. Specifically, a scalable fermentation and purification process is claimed that is suitable for vaccine development, and that produces almost three times more product than earlier-reported processes. This is accomplished using a biologically inactive protease-resistant PA variant in a protease-deficient non-sporogenic avirulent strain of *B. anthracis* (BH445). One of the PA variants described in the patent application lacks the furin and chymotrypsin cleavage sites.

The invention relates to improved methods of producing and recovering sporulation-deficient *B. anthracis* mutant stains, and for producing and recovering recombinant *B. anthracis* protective antigen (PA), especially modified PA which is protease resistant, and to methods of using of these PAs or nucleic acids encoding these PAs for eliciting an immunogenic response in humans, including responses which provide protection against, or reduce the severity of, *B. anthracis* bacterial infections and which are useful to prevent and/or treat illnesses caused by *B. anthracis*, such as inhalation anthrax, cutaneous anthrax and gastrointestinal anthrax.

Application: Improved B. anthracis vaccines.

Developmental Status: Phase I clinical studies are being performed.

Inventors: Stephen Leppla (NIDCR), M. J. Rosovitz (NIDCR), John Robbins (NICHD), Rachel Schneerson (NICHD)

Patent Status:

U.S. Provisional Application No. 60/402,285 filed 09 Aug 2002 (HHS Reference No. E–268–2002/0–US–01).

U.S. Patent Application No. 10/638,006 filed 08 Aug 2003, now U.S. Patent 7,261,900 (HHS Reference No. E–268–2002/0–US–02).

U.S. Patent Application No. 11/831,860 filed 31 Jul 2007 (HHS Reference No. E–268–2002/0–US–03).

Licensing Status: Available for exclusive or nonexclusive licensing.

Licensing Contact: Peter A. Soukas, J.D.; 301/435–4646; *soukasp@mail.nih.gov*.

Methods for Preparing *Bacillus anthracis* Protective Antigen for Use in Vaccines

Description of Invention: This invention relates to improved methods of preparing *Bacillus anthracis* protective antigen (PA) from a cell or organism, particularly a recombinant cell or microorganism, for use in vaccines. Production and purification methods of modified PA from a non-sporogenic strain of *Bacillus anthracis* are described. Specifically, a scalable fermentation and purification process is claimed that is suitable for vaccine development, and that produces almost three times more product than earlier-reported processes. This is accomplished using a biologically inactive protease-resistant PA variant in a protease-deficient non-sporogenic avirulent strain of *B. anthracis* (BH445). One of the PA variants described in the patent application lacks the furin and chymotrypsin cleavage sites.

Advantages: Bacillus anthracis protective antigen is a major component of the currently licensed human vaccine (Anthrax Vaccine Adsorbed, AVA). Although the current human vaccine has been shown to be effective against cutaneous anthrax infection in animals and humans and against inhalation anthrax in rhesus monkeys, the licensed vaccine has several limitations: (1) AVA elicits a relatively high degree of local and systemic adverse reactions, probably mediated by variable amounts of undefined bacterial products, making standardization difficult; (2) the immunization schedule requires administration of six doses within an eighteen (18) month period, followed by annual boosters; (3) there is no defined vaccine-induced protective level of antibody to PA by which to evaluate new lots of vaccines; and (4) AVA is comprised of a wild-type PA. Thus a vaccine comprising a modified purified recombinant PA would be effective, safe, allow precise standardization, and require fewer injections.

The invention also relates to PA variants, and/or compositions thereof, which are useful for eliciting an immunogenic response in mammals, particularly humans, including responses that provide protection against, or reduce the severity of, infections caused by *B. anthracis*. The vaccines claimed in this application are intended for active immunization for prevention of *B. anthracis* infection, and for preparation of immune antibodies.

Application: Improved *B. anthracis* vaccines.

Developmental Status: Phase I clinical studies are being performed.

Inventors: Joseph Shiloach (NIDDK), Stephen Leppla (NIDCR), Delia Ramirez (NIDDK), Rachel Schneerson (NICHD), John Robbins (NICHD).

Publication: DM Ramirez, *et al.* Production, recovery and immunogenicity of the protective antigen from a recombinant strain of *Bacillus anthracis*. J Ind Microbiol Biotechnol. 2002 Apr;28(4):232–238.

Patent Status: U.S. Provisional Application No. 60/344,505 filed 09 Nov 2001 (HHS Reference No. E–023–2002/0–US–01); U.S. Patent Application No. 10/290,712 filed 08 Nov 2002 (HHS Reference No. E–023–2002/0–US–02).

Licensing Status: Available for exclusive or nonexclusive licensing.

Licensing Contact: Peter A. Soukas, J.D.; 301/435–4646; *soukasp@mail.nih.gov*.

Collaborative Research Opportunity: The National Institutes of Health is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize methods of preparing *Bacillus anthracis* protective antigen (PA) from a cell or organism, particularly a recombinant cell or microorganism, for use in vaccines. Please contact Rochelle S. Blaustein, J.D., at 301/451–3636 or *Rochelle.Blaustein@nih.gov* for additional information.

Chimeric Gag Pseudovirions

Description of Technology: The human immunodeficiency virus (HIV) is the causative agent of acquired immunodeficiency syndrome (AIDS). The HIV virion basically consists of a viral core and envelope. The core consists predominantly of gag- and pol-encoded proteins and the viral RNA. Expression of recombinant Gag precursor proteins can lead to assembly and budding of virus-like particles (pseudovirions). The production of Gag-based pseudovirions in mammalian and insect cell systems using recombinant virus vectors provides a novel technology for engineering recombinant protein-based particulate vaccines for HIV and other viruses. The incorporation of additional viral or cellular, peptides and polypeptides may be advantageous in vaccine preparations, since they may contain antigenic epitopes that may play a role in inducing protection from infection or disease.

The subject invention provides chimeric nucleic acids comprising a retroviral gag sequence, a target nucleic acid sequence derived from a nucleic acid encoding a fusion partner, and a frame shift site. Expression of the chimeric gene cassette results in packaging the fusion partner into the Gag pseudovirion. Suitable fusion partners can be derived from any protein of interest which has a biological activity or which elicits a cellular or humoral immune response.

Applications: HIV vaccines and/or therapeutics.

Development Status: Early stage.

Inventors: Gregory J. Tobin (NCI/SAIC), *et al.*

Patent Status: U.S. Patent No. 6,099,847 issued 08 Aug 2000 (HHS Reference No. E–105–1996/1–US–01).

Licensing Status: Available for non-exclusive or exclusive licensing.

Licensing Contact: Susan Ano, PhD; 301/435–5515; *anos@mail.nih.gov*.

Dated: January 14, 2008.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E8–1259 Filed 1–24–08; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Oncological Sciences Integrated Review Group; Basic Mechanisms of Cancer Therapeutics Study Section.

Date: January 28–29, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Lambratu Rahman, PhD, Scientific Review Officer, Center for Scientific Review; National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, 301–451–3493, *rahmanl@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, (HHS)

Dated: January 16, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–275 Filed 1–24–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Nutrition.

Date: January 31, 2008.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Abubakar A. Shaikh, PhD, DVM, Scientific Review Administrator, Center for Scientific Review, National

Institutes of Health, 6701 Rockledge Drive, Room 6168, MSC 7892, Bethesda, MD 20892, (301) 435–1042, *shaikha@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Neuroimaging Informatics Software Enhancement.

Date: February 6–7, 2008.

Time: 8 a.m. to 8 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Peter B. Guthrie, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC 7850, Bethesda, MD 20892, (301) 435–1239, *guthriep@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Oncological Sciences Integrated Review Group; Chemo/Dietary Prevention Study Section.

Date: February 7–8, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Crowne Plaza Washington, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Sally A. Mulhern, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6198, MSC 7804, Bethesda, MD 20892, (301) 435–5877, *mulherns@csr.nih.gov.*

Name of Committee: Renal and Urological Studies Integrated Review Group; Cellular and Molecular Biology of the Kidney Study Section.

Date: February 11–12, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Shirley Hilden, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4218, MSC 7814, Bethesda, MD 20892, (301) 435–1198, *hildens@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business Visual Systems.

Date: February 11, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites Hotel, 1250 22nd Street, NW., Washington, DC 20037.

Contact Person: George Ann McKie, PhD, DVM, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1124, MSC 7846, Bethesda, MD 20892, (301) 435–1049, *mckiegeo@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; BMIT/MEDI Member Conflict.

Date: February 11, 2008.

Time: 10:30 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Weihua Luo, MD, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5114, MSC 7854, Bethesda, MD 20892, (301) 435–1170, *luow@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Brain Injury and Neurovascular Pathologies Member Conflict Study Section.

Date: February 11–12, 2008.

Time: 12 p.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Seetha Bhagavan, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1126, MSC 7846, Bethesda, MD 20892, (301) 435–1121, *bhagavas@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Clinical Neuroimmunology and Brain Tumors Study Section.

Date: February 14–15, 2008.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Avenue, NW., Washington, DC 20037.

Contact Person: Jay Joshi, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7846, Bethesda, MD 20892, (301) 435–1184, *joshij@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Neuroimmunology, Brain Tumors and Immunotherapy.

Date: February 14, 2008.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Boris P. Sokolov, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217A, MSC 7846, Bethesda, MD 20892, 301–435–1197, *bsokolov@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Neural Drug Discovery.

Date: February 19–20, 2008.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, DC, 2401 M Street, NW., Washington, DC 20037.

Contact Person: Mary Custer, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4148, MSC 7850, Bethesda, MD 20892, (301) 435–1164, *custerm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Female Health and Egg Quality.

Date: February 19, 2008.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Stuart B. Moss, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6170, MSC 7892, Bethesda, MD 20892, 301–435–1044, *mossstua@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Health of the Population SBIR Study Section.

Date: February 21–22, 2008.

Time: 8:30 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Serrano Hotel, 405 Taylor Street, San Francisco, CA 94102.

Contact Person: Karin F. Helmers, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, MSC 7770, Bethesda, MD 20892, (301) 435–1017, *helmersk@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Non-HIV Microbial Vaccine Development.

Date: February 25, 2008.

Time: 8 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Los Angeles Airport Marriott, 5855 West Century Boulevard, Los Angeles, CA 90045.

Contact Person: Jin Juang, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4095G, MSC 7812, Bethesda, MD 20892, 301–435–1230, *jh377p@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Brain Disorders and Clinical Neuroscience Fellowships.

Date: February 25–26, 2008.

Time: 8 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, DC, 2401 M Street, NW., Washington, DC 20037.

Contact Person: Geoffrey G. Schofield, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040–A, MSC 7850, Bethesda, MD 20892, 301–435–1235, *geoffreys@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Gene Therapy.

Date: February 25, 2008.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Syed M. Quadri, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6210, MSC 7804, Bethesda, MD 20892, 301–435–1211, *quadris@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; VMD Member Conflict Application Review.

Date: February 25, 2008.

Time: 4:30 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Los Angeles Airport Marriott, 5855 West Century Boulevard, Los Angeles, CA 90045.

Contact Person: Jin Huang, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4095G, MSC 7812, Bethesda, MD 20892, 301–435–1230, *jh377p@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts: DIG IRG: Transport, Metabolism, Motility.

Date: February 25, 2008.

Time: 12 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Patricia Greenwel, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2174, MSC 7818, Bethesda, MD 20892, 301–435–1169, *greenwep@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Research on Primary Immunodeficiency Diseases.

Date: February 26, 2008.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Los Angeles Airport, 5855 West Century Boulevard, Los Angeles, CA 90045.

Contact Person: Jin Huang, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4095G, MSC 7812, Bethesda, MD 20892, 301–435–1230, *jh377p@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cell-mediated Immunity Member Conflict.

Date: February 27, 2008.

Time: 11 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Patrick K. Lai, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2215, MSC 7812, Bethesda, MD 20892, 301–435–1052, *laip@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; TTT Overflow.

Date: February 28, 2008.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The George Washington University Inn, 824 New Hampshire Avenue, NW., Washington, DC 20037.

Contact Person: Calbert A. Laing, PhD, Scientific Review Officer Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4210, MSC 7812, Bethesda, MD 20892, 301–435–1221, *laingc@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: January 16, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–282 Filed 1–24–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; AVON–NCI Progress for Patients Supplements.

Date: February 19, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6116 Executive Boulevard, Rockville, MD 20852.

Contact Person: Wlodek Lopaczynski, MD, PhD, Scientific Review Administrator, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Blvd., Room 8131, Bethesda, MD 20892, 301–594–1402, *lopacw@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; Biology of Breast Pre-Malignancies.

Date: February 27–28, 2008.

Time: 6 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street, NW., Washington, DC 20036.

Contact Person: Irina V. Gordienko, PhD, Scientific Review Administrator, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 7073, Bethesda, MD 20892–8329, 301–594–1566, *gordienkoiv@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; Multifunctional Therapeutics Based on Nanotechnology.

Date: March 25–26, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Jeffrey E. DeClue, PhD, Scientific Review Administrator, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 8059, Bethesda, MD 20892–8329, 301–496–7904, *decluej@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: January 16, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–276 Filed 1–24–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary and Alternative Medicine Announcement of Grantsmanship Workshop

ACTION: Notice.

SUMMARY: The National Center for Complementary and Alternative Medicine (NCCAM) invites the research community to apply to attend a grantsmanship workshop. This workshop will provide researchers, fellows, and graduate students with an in-depth understanding of the NIH grants and review processes, clarify

Federal regulations and policies, and highlight areas of special interest and concern. Emphasis will be placed on complementary and alternative medicine (CAM) research. The workshop will include time to interact and discuss research ideas with NCCAM staff.

The Workshop will take place on June 3–5, 2008, in Rockville, Maryland. Those interested in CAM research are particularly encouraged to attend.

Background: The National Center for Complementary and Alternative Medicine (NCCAM) was established in 1999 with the mission of exploring complementary and alternative healing practices in the context of rigorous science, training CAM researchers, and disseminating authoritative information to the public and professionals.

NCCAM funds research grants that explore the science of CAM. For more information, see *http://nccam.nih.gov/research/nccamfunds.htm*.

Request for Applications: The research community is invited to submit an application to attend the grantsmanship workshop. For more information about what will be covered at the workshop, see *http://nccam.nih.gov/news/2007/110707.htm*. Applications will be accepted until February 29, 2008. Accepted participants will be notified via e-mail by March 31, 2008. The Dialogue will be held: June 3–5, 2008, Neuroscience Building, National Institutes of Health, Rockville, Maryland.

FOR FURTHER INFORMATION CONTACT: To request more information, visit the NCCAM Web site at *http://nccam.nih.gov/news/2007/110707.htm*, call 301–593–2800 (Sherika Harley) or e-mail at *sharley@lclmllc.com*.

Dated: January 16, 2008.

Richard Nahin,

Senior Advisor for Scientific Coordination and Outreach, National Center for Complementary and Alternative Medicine, National Institutes of Health.

[FR Doc. E8–1251 Filed 1–24–08; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Career Enhancement Award for Stem Cell Research (K18).

Date: February 26, 2008.

Time: 1 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Yingying Li-Smerin, MD, PhD, Scientific Review Officer, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7184, Bethesda, MD 20892–7924, 301–435–0277, *lismerin@nhlbi.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: January 16, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–278 Filed 1–24–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institues of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal infromation concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Communication Disorders Review Committee.

Date: February 14–15, 2008.

Time: February 14, 2008, 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Phoenix, 50 East Adams Street, Phoenix, AZ 85004.

Time: February 15, 2008, 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Phoenix, 50 East Adams Street, Phoenix, AZ 85004.

Contact Person: Shiguang Yang, DVM, PhD, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Activities, NIDCD, NIH, 6120 Executive Blvd., Suite 400C, Bethesda, MD 20892, 301–435–1425, *yangshi@nidcd.nih.gov*.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Hearing and Balance Small Grant Review.

Date: February 27, 2008.

Time: 8 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Christopher A. Moore, PhD, Scientific Review Adminstrator, Scientific Review Branch, Division of Extramural Activities, 6120 Executive Blvd., Rm 400C, Bethesda, MD 20892–7180, 301–402–3587, *moorechristopher@nidcd.nih.gov*.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Chemical Senses Small Grant Review.

Date: February 29, 2008.

Time: 11:30 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6120 Executive Blvd., Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Christopher A Moore, PhD, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Activities, 6120 Executive Blvd., Rm 400C, Bethesda, MD 20892–7180, 301–402–3587, *moorechristopher@nidcd.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disordes, National Institute of Health, HHS)

Dated: January 16, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–274 Filed 1–24–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; Clinical, Treatment and Health Services Research Subcommittee.

Date: March 5, 2008.

Time: 10 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Katrina L. Foster, PhD, Scientific Review Administrator, National Institute on Alcohol Abuse & Alcoholism, National institutes of Health, 5635 Fishers Lane, Rm. 3037, Rockville, MD 20852, 301–443–3037, *katrina@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: January 10, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–277 Filed 1–24–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel.

Date: March 18, 2008.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Philippe Marmillot, PhD, Scientific Review Administrator, National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 5635 Fishers Lane, Rm. 3045, Bethesda, MD 20892, 301–443–2861, *marmillotp@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: January 16, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–280 Filed 1–24–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel, Clinical, Treatment and Health Services Research Subcommittee.

Date: March 5, 2008.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Katrina L Foster, PhD, Scientific Review Administrator, National Inst on Alcohol Abuse & Alcoholism, National Institutes of Health, 5635 Fishers Lane, Rm. 3037, Rockville, MD 20852, 301–443–3037, *katrina@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: January 16, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–281 Filed 1–24–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Advisory Committee to the Director, NIH.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Advisory Committee to the Director, NIH.

Date: February 21, 2008.

Time: 2 p.m. to 3:30 p.m.

Agenda: This teleconference will address the report and recommendations from the ACD Working Group on Peer Review.

Place: National Institutes of Health, Building 1, 1 Center Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Penny W. Burgoon, PhD, Senior Assistant to the Deputy Director, Office of the Director, National Institutes of

Health, 1 Center Drive, Building 1, Room 114, Bethesda, MD 20892, 301–451–5870, *burgoonp@od.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *http://www.nih.gov/about/director/acd.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: January 16, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 08–279 Filed 1–24–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOMELAND SECURITY

Office of the National Protection and Programs Directorate; Office of the National Protection and Programs Directorate Submission for Reinstatement Without Change of a Previously Approved Collection; OMB Control Number 1670–0005

AGENCY: Office of the National Protection and Programs Directorate, DHS.

ACTION: 60-day notice and request for comments; Reinstatement without change of a previously approved information collection OMB Control Number 1670–0005.

SUMMARY: The Department of Homeland Security (DHS) invites the general public and other federal agencies the opportunity to comment on approved information collection request (ICR) OMB 1670–0005, Telecommunications Service Priority (TSP) System. As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), DHS is soliciting comments for the approved information collection request.

DATES: Written comments should be received on or before March 25, 2008, to be assured consideration.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to Deborah Bea, Program Manager, National Communications System, 245 Murray Lane, Bldg. 410, MS 8510, Washington, DC 20528–8510, Phone 703–235–5359, Fax 703–235–5806, or e-mail *Deborah.bea@dhs.gov*.

FOR FURTHER INFORMATION CONTACT: Interested persons are invited to submit written comments on the proposed information collection to Deborah Bea, Program Manager, National Communications System, 245 Murray Lane, Bldg. 410, MS 8510, Washington, DC 20528–8510, Phone 703–235–5359, Fax 703–235–5806, or e-mail *Deborah.bea@dhs.gov*.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget is particularly interested in comments which:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Analysis

Agency: Department of Homeland Security, National Protection and Programs, Office of Infrastructure Protection.

Title: Telecommunications Service Priority (TSP) System

OMB Number: 1670–0005

Frequency: On occasion.

Affected Public: Individuals or households; businesses or other for-profit; not-for-profit institutions; State, local or tribal government; foreign government.

Estimated Number of Respondents: 28,161.

SF314 Revalidation for Service Users: 304.

SF315 Request for Service Users: 27,000.

SF317 Action Appeal for Service Users: 1.

SF318 Service Confirmation for Service Vendors: 428.

SF319 Service Reconciliation for Service Vendors: 428.

Estimated Time Per Respondent:

SF314 Revalidation for Service Users: 45 minutes.

SF315 Request for Service Users: 15 minutes.

SF317 Action Appeal for Service Users: 25 minutes.

SF318 Service Confirmation for Service Vendors: 45 minutes.

SF319 Service Reconciliation for Service Vendors: 1.0 Hour.

Total Burden Hours: 7,727.25.

SF314 Revalidation for Service Users: 228 hours.

SF315 Request for Service Users: 6,750 hours.

SF317 Action Appeal for Service Users: 25 minutes.

SF318 Service Confirmation for Service Vendors: 321 hours.

SF319 Service Reconciliation for Service Vendors: 428 hours.

Total Burden Cost: (capital/startup): $0.

Total Burden Cost: (operating/maintaining): $0 annually.

Description: The Telecommunications Service Priority (TSP) System provides telecommunications service vendors a means of identifying the services that should be restored or provisioned first in the event of an emergency or crisis; and the legal protection giving a preference to certain users over others. This critical aspect of the TSP program benefits government at all levels as well as the general public.

Dated: January 15, 2008.

Charlie Church,

Chief Information Officer, National Protection and Programs Directorate, Department of Homeland Security.

[FR Doc. E8–1252 Filed 1–24–08; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5186–N–04]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and

surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

DATES: *Effective Date:* January 25, 2008.

FOR FURTHER INFORMATION CONTACT: Kathy Ezzell, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7262, Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free); or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess, and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: January 17, 2008.

Mark R. Johnston,

Deputy Assistant Secretary for Special Needs.

[FR Doc. 08–244 Filed 1–24–08; 8:45 am]

BILLING CODE 4210–67–M

DEPARTMENT OF THE INTERIOR

Truckee River Operating Agreement, California and Nevada

AGENCY: Department of the Interior.

ACTION: Notice of Availability for a Final Environmental Impact Statement/ Environmental Impact Report (EIS/EIR).

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, as amended, (NEPA) and the California Environmental Quality Act (CEQA), the U.S. Department of the Interior (Interior) and California Department of Water Resources (DWR), as co-lead agencies, have jointly prepared a Final EIS/EIR for the Truckee River Operating Agreement (TROA) which would implement section 205(a) of the Truckee-Carson-Pyramid Lake Water Rights Settlement Act of 1990, Title II of Public Law 101–618 (Settlement Act). The Final EIS/EIR has evaluated the proposed action (TROA Alternative), Local Water Supply Alternative, and No Action Alternative. Implementation of the proposed action would not result in any significant adverse environmental effects. A Notice of Availability of the Revised Draft EIS/EIR was published in the **Federal Register** on August 25, 2004 (69 FR 52303). The public review period on the Revised Draft EIS/EIR initially ended on October 29, 2004, but was extended to December 30, 2004.

DATES: No Federal or State decision will be made on the proposed action until a minimum of 30 days after the release of the Final EIS/EIR. After this 30-day period, Interior and DWR will complete their respective Record of Decision (ROD) and Notice of Determination (NOD). The ROD and NOD will identify the action to be implemented.

ADDRESSES: A copy of the Final EIS/EIR (compact disk or bound) may be obtained by writing to Kenneth Parr, Bureau of Reclamation (Reclamation), 705 North Plaza St., Rm. 320, Carson City, NV 89701 or by calling Reclamation at 800–742–9474 (enter 26) or 775–882–3436 or DWR at 916–651–0746. The Final EIS/EIR is also accessible from the following Web site: *http://www.usbr.gov/mp/troa/.* See **SUPPLEMENTARY INFORMATION** section for locations where the Final EIS/EIR is available for public review.

FOR FURTHER INFORMATION CONTACT: Kenneth Parr, Reclamation, telephone 775–882–3436, TDD 775–882–3436, fax 775–882–7592, e-mail: *kparr@mp.usbr.gov;* or Michael Cooney, DWR, telephone 916–651–0746, fax 916–651–0766, e-mail: *mikec@water.ca.gov.* Information is also available at the Bureau of Reclamation Web site: *http://www.usbr.gov/mp/troa/*.

SUPPLEMENTARY INFORMATION: Copies of the Final EIS/EIR are available for public review at:

- California Department of Water Resources, Central District Office, 901 P St., Suite 313B, Sacramento, CA 95814.
- Bureau of Reclamation, Public Affairs Office, 2800 Cottage Way, Sacramento, CA 95825.
- Bureau of Reclamation, 705 North Plaza Street, Carson City, NV 89701.
- Fish and Wildlife Service, 1340 Financial Blvd, Rm. 234, Reno, NV 89502.
- Natural Resources Library, U.S. Department of the Interior, 1849 C Street NW., Main Interior Building, Washington, DC 20240–0001.
- At various county libraries; please call 800–742–9474 (enter 26) for locations.

TROA Background

Section 205(a) of the Settlement Act directs the Secretary of the Interior (Secretary), in conjunction with others, to negotiate an operating agreement governing operation of Federal Truckee River reservoirs and other specified matters. Interior, U.S. Department of Justice, States of California and Nevada, Pyramid Lake Paiute Tribe, Sierra Pacific Power Company, Truckee Meadows Water Authority, and other entities in California and Nevada completed a negotiated agreement (i.e., Negotiated TROA) in February 2007. The Negotiated TROA is available as an appendix to the Final EIS/EIR or viewed at *http://www.usbr.gov/mp/troa/.*

TROA would, in part, (1) enhance conditions for the threatened Lahontan cutthroat trout and endangered cui-ui in the Truckee River basin; (2) increase municipal and industrial (M&I) drought protection for Truckee Meadows (Reno-Sparks metropolitan area); (3) improve Truckee River water quality downstream from Sparks, Nevada; and (4) enhance instream flows and recreational opportunities in the Truckee River basin. At the time TROA takes effect, the Settlement Act provides that a permanent allocation between California and Nevada of water in the Lake Tahoe, Truckee River, and Carson River basins will also take effect. Allocation of those waters has been a long-standing issue between the two States; implementation of TROA resolves that issue. In addition, Section 205 of the Settlement Act requires that TROA, among other things, implement the provisions of the Preliminary Settlement Agreement as modified by the Ratification Agreement (PSA) and ensure that water is stored in and released from Federal Truckee River reservoirs to satisfy the exercise of water rights in conformance with the *Orr Ditch* decree and *Truckee River General Electric* decree. PSA is a 1989 agreement between Sierra Pacific Power Company and the Pyramid Lake Paiute Tribe to change the operation of Federal reservoirs and Sierra Pacific's exercise of its Truckee River water rights to (1) improve spawning conditions for threatened and endangered fish species (cui-ui and Lahontan cutthroat trout) and (2) provide additional M&I water for Truckee Meadows during drought situations. Sierra Pacific's obligations and associated water rights have since been assigned to the Truckee Meadows Water Authority (TMWA).

Before TROA can be approved by the Secretary and the State of California, potential environmental effects of the agreement must be analyzed pursuant to NEPA and CEQA. Accordingly, Interior and DWR have jointly prepared a Final EIS/EIR for that purpose. A Draft EIS/EIR based on an earlier draft agreement was initially prepared and released for public review in February 1998. Subsequently, ongoing negotiations substantially modified the proposed

agreement, resulting in the preparation of a Revised Draft EIS/EIR released in August 2004. The Final EIS/EIR contains responses to comments received on the Revised Draft EIS/EIR.

Current Activities

Following agreement to the Negotiated TROA in February 2007 by the negotiators, a Final EIS/EIR was completed. The Negotiated TROA is available as an appendix to the Final EIS/EIR or viewed at *http://www.usbr.gov/mp/troa/*. The Final EIS/EIR considers current conditions as well as three alternatives: (1) No Action Alternative (current reservoir management in the future, without TROA); (2) Local Water Supply Alternative (current reservoir management in the future with modified water sources, without TROA); and (3) TROA (changed reservoir management in the future). Section 205 of the Settlement Act also requires that TROA, once approved, be issued as a Federal Regulation. A draft regulation is being prepared for publication in the **Federal Register** at a later date. The Secretary cannot sign TROA until a ROD has been completed. The State of California cannot sign TROA until it has considered and certified a Final EIS/EIR. These and other steps, including approval by the *Orr Ditch* and *Truckee River General Electric* courts, must be completed before TROA may be implemented.

Description of Alternatives

The TROA Alternative is identified in the Final EIS/EIR as the preferred and environmentally superior alternative.

No Action Alternative (No Action). Under No Action, Truckee River reservoir operations would remain unchanged from current operations and would be consistent with existing court decrees, agreements, and regulations that currently govern surface water management (i.e., operating reservoirs in the Truckee River and Lake Tahoe basins and maintaining current minimum instream flows) in the Truckee River basin. TMWA's existing programs for surface water rights acquisition and groundwater pumping for M&I use would continue. Groundwater pumping and water conservation in Truckee Meadows, however, would satisfy a greater proportion of projected future M&I demand than under current conditions. Groundwater pumping in California would also increase to satisfy a greater projected future M&I demand.

Local Water Supply Alternative (LWSA). All elements of Truckee River reservoir operations, river flow management, Truckee River hydroelectric plant operations, minimum reservoir releases, reservoir spill and precautionary release criteria, and water exportation from the upper Truckee River basin and Lake Tahoe basin under LWSA would be the same as described under No Action. The principal differences between LWSA and No Action would be the source of water used for M&I purposes, extent of water conservation, implementation of a groundwater recharge program in Truckee Meadows, and assumptions regarding governmental decisions concerning approval of new water supply proposals.

TROA Alternative (TROA). TROA would modify existing operations of all designated reservoirs to enhance coordination and flexibility while ensuring that existing water rights are served and flood control and dam safety requirements are met. TROA would incorporate, modify, or replace various provisions of the Truckee River Agreement (TRA) and the Tahoe-Prosser Exchange Agreement (TPEA). As negotiated, TROA would supersede all requirements of any agreements concerning the operation of all reservoirs, including those of TRA and TPEA, and would become the sole operating agreement for all designated reservoirs.

All reservoirs would continue to be operated under TROA for the same purposes as under current operations and with most of the same reservoir storage priorities as under No Action and LWSA. The Settlement Act requires that TROA ensure that water is stored in and released from Truckee River reservoirs to satisfy the exercise of water rights in conformance with the *Orr Ditch* decree and *Truckee River General Electric* decree, except for those rights that are voluntarily relinquished by the parties to the PSA, or by any other persons or entities, or which are transferred pursuant to State law.

The primary difference between TROA and the other alternatives is that TROA would provide opportunities for storing and managing various categories of credit water, not provided for in current operations. Signatories to TROA generally would be allowed to accumulate credit water in storage by retaining or capturing water in a reservoir that would have otherwise been released from storage or passed through the reservoir to serve their respective downstream water right (e.g., retaining Floriston Rate water that would have been released to serve an *Orr Ditch* decree water right). In cases with a change in the place or type of use, such storage could take place only after a transfer in accordance with applicable State water law. Once accumulated, credit water would be classified by category with a record kept of its storage, exchange, and release. Credit water generally would be retained in storage or exchanged among the reservoirs until needed and released to satisfy its beneficial use. The Interim Storage Agreement (negotiated in accordance with section 205(b)(3) of the Settlement Act) would be terminated and new storage agreements between the Bureau of Reclamation and TROA signatories desiring to store credit water would be required.

In addition to credit water, TROA also establishes criteria for new wells in the Truckee River Basin in California to minimize short-term reduction in stream flow, provides for the implementation of the interstate allocation between California and Nevada, provides for the settlement of litigation, establishes a habitat restoration fund for the Truckee River, and establishes more strict conditions and approval requirements for pumping or siphoning water from Lake Tahoe, among other benefits.

Dated: January 9, 2008.

Willie R. Taylor,

Director, Office of Environmental Policy and Compliance.

[FR Doc. E8–1324 Filed 1–24–08; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–R–2008–N0019; 40136–1265–0000–S3]

Logan Cave National Wildlife Refuge

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability of the Draft Comprehensive Conservation Plan and Environmental Assessment.

SUMMARY: The Fish and Wildlife Service announces that the Draft Comprehensive Conservation Plan and Environmental Assessment (Draft CCP/EA) for Logan Cave National Wildlife Refuge in Benton County, Arkansas, is available for review and comment. This document was prepared pursuant to the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997, and the National Environmental Policy Act of 1969. The Draft CCP/EA describes the Service's proposal for management of the refuge for 15 years.

DATES: Written comments must be received at the address in the **ADDRESSES** section no later than February 25, 2008.

ADDRESSES: To provide written comments or to obtain a copy of the Draft CCP/EA, please write to: Ms. Tina Chouinard, Refuge Planner, Hatchie National Wildlife Refuge, 6772 Highway 76 South, Stanton, TN 38069. The Draft CCP/EA is available on compact diskette or hard copy. It also may be accessed and downloaded from the Service's Internet site: *http://southeast.fws.gov/planning.*

FOR FURTHER INFORMATION CONTACT: Tina Chouinard; Telephone: 318/305–0643.

SUPPLEMENTARY INFORMATION: *Public Availability of Comments:* Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Background: Logan Cave National Wildlife Refuge was established in 1989 under the Endangered Species Act of 1973. This 123-acre Ozark Mountain refuge, which includes a limestone-solution cave, is located 20 miles west of Fayetteville, Arkansas, and approximately 2 miles north of U.S. Highway 412. The ecology of Logan Cave has been described as the highest quality cave habitat in the entire Ozark region. A spring-fed stream, with an average water flow of 5 million gallons/day, extends the entire length of the cave. The primary objectives of the refuge are to properly administer, conserve, and develop the tract for protection of a unique cave ecosystem that provides essential habitat for the endangered gray bat, the endangered Ozark cave crayfish, the threatened Ozark cavefish, and other significant cave-dwelling wildlife species.

The Service developed three alternatives for managing the refuge and chose Alternative 3 as the proposed alternative.

Under Alternative 1, no refuge management or resource protection would occur. Fish and wildlife populations would not be monitored, habitats would not be managed or monitored, no land protection would occur, and no law enforcement activities would be performed. The Service would probably enter into management agreements with the Arkansas State Game and Fish Commission and/or The Nature Conservancy.

Under Alternative 2, there would be no change from current management of this un-staffed refuge. Under this alternative, 123 acres of refuge lands would be protected and maintained for resident wildlife, migratory non-game birds, and threatened and endangered species. Refuge management programs would continue to be developed and implemented with little baseline biological information. All refuge management activities would be directed toward achieving the refuge's primary purposes, which are to properly administer, conserve, and develop the 123-acre-area for protection of a unique cave ecosystem that provides essential habitat for the endangered gray bat, endangered cave crayfish, the threatened Ozark cavefish, as well as other significant cave-dwelling wildlife species. Active habitat and wildlife management would continue to be limited to protection of the cave entrances and limited access to surface and subsurface habitats. Little to no environmental education and wildlife interpretation would occur. No improvements would be made to the exterior for wildlife observation or wildlife photography. Under this alternative, the refuge would not seek out partnerships with adjacent landowners or with other Federal and State agencies to contribute to the overall natural resource conservation effort in the area.

Under Alternative 3, the proposed alternative, all refuge management actions would be directed toward achieving the refuge's primary purposes, which are to properly administer, conserve, and develop the 123-acre-area for protection of a unique cave ecosystem that provides essential habitat for the endangered gray bat, the endangered cave crayfish, the threatened Ozark cavefish, and other significant cave-dwelling wildlife species, while contributing to other national, regional and State goals to protect and restore karst habitats and species. Wildlife and plant censuses and inventory activities would be initiated and maintained to obtain the biological information needed to continue current refuge management programs and implement crucial management programs on and off the refuge. Active habitat management would be implemented to maintain and enhance water quality and quantity within the cave system, the recharge zone (groundwater recharge areas), and waterways within the bat foraging areas through best management practices, easements, and partnerships with private landowners and other Federal and State agencies. Continuous groundwater quality monitoring is crucial to the existence of the aquatic species utilizing the cave stream and groundwater corridors.

Wildlife-dependent recreation activities, such as wildlife observation, wildlife photography, and environmental education and interpretation, would be provided. Utilizing various partners, the refuge would develop a small environmental education program, focusing on karst environments. The refuge would develop a community-based volunteer program by establishing a Cave Steward program. Volunteers would be educated on management issues and utilized to help complete wildlife and plant surveys, maintenance projects, and public recreation and education programs.

Authority: This notice is published under the authority of the National Wildlife Refuge System Improvement Act of 1997, Public Law 105–57.

Dated: August 16, 2007.

Cynthia K. Dohner,

Acting Regional Director.

[FR Doc. E8–1279 Filed 1–24–08; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Rice Lake and Mille Lacs National Wildlife Refuges (NWRs); Aitkin, Pine, and Mille Lacs Counties, MN

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; final comprehensive conservation plan and finding of no significant impact for environmental assessment.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of our final Comprehensive Conservation Plan (CCP) and finding of no significant impact (FONSI) for Rice Lake and Mille Lacs NWRs, Minnesota. In this final CCP, we describe how we will manage these refuges for the next 15 years.

ADDRESSES: Copies of the Final CCP and FONSI are available on compact disk or hard copy. You may obtain a copy by writing to: U.S. Fish and Wildlife Service, Division of Conservation Planning, Bishop Henry Whipple Federal Building, 1 Federal Drive, Fort Snelling, MN 55111 or you may access and download a copy via the planning Web site at *http://www.fws.gov/midwest/planning/RiceLake.*

FOR FURTHER INFORMATION CONTACT: Walt Ford, (218) 768–2402.

SUPPLEMENTARY INFORMATION:

Introduction

With this notice, we complete the CCP process for Rice Lake and Mille Lacs NWRs that began with the **Federal Register** notice 70 FR 5693 (February 3, 2005). For more about the process, see that notice. We released the draft CCP and environmental assessment (EA) to the public, announcing and requesting comments in a notice of availability in the **Federal Register** (72 FR 34711; June 25, 2007).

Rice Lake and Mille Lacs NWRs are located in east-central Minnesota. Both refuges are administered by the staff at Rice Lake NWR. Rice Lake NWR is a mosaic of lakes, marshes, forests, and grasslands that provide a variety of habitat for migrant and resident wildlife. The Refuge is especially noted for its fall concentrations of Ring-necked Ducks, which often number over 150,000 birds. The Refuge also includes pre-historic and historic cultural resources of recognized importance. Mille Lacs NWR is the smallest refuge in the National Wildlife Refuge System. The 0.57-acre Refuge consists of two islands in Mille Lacs Lake. One island is managed as a nesting colony for the State-listed threatened Common Tern. The other island is used by other colonial nesting species. The CCP will guide us in managing and administering Rice Lake and Mille Lacs Refuges for the 15 years following publication of the final CCP. Alternative B, as we described in the environmental assessment, is the foundation for the CCP.

Background

The CCP Process

The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd–668ee *et seq.*), requires the Service to develop a CCP for each National Wildlife Refuge. The purpose in developing a CCP is to provide refuge managers with a 15-year strategy for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management, conservation, legal mandates, and Service policies. In addition to outlining broad management direction for conserving wildlife and their habitats, the CCP identifies wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. We will review and update these CCPs at least every 15 years in accordance with the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997, and the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370d).

CCP Alternatives

Our draft CCP and NEPA document (72 FR 34711; June 25, 2007) addressed several priority issues raised by us and others. To address these priority issues, we developed and evaluated 2 alternatives during the planning process.

Alternative A, Current Management

Under Alternative A, Current Management, the 170 acres of grassland on the auto tour route would be maintained; stable water levels in Rice Lake would be maintained throughout the growing season and at sufficient level to allow rice harvest; the 1,400 acre area with the pending Wilderness recommendation would be managed as de facto wilderness; Native American ceremonies would be held under special use permit and wild rice harvest coordinated with a local Native American committee; cultural resources would not be interpreted on-site; demand for interpretation and environmental education would be responded to as staff and time permitted; the erosion of Hennepin Island would continue; and the 2005 landcover at the Sandstone Unit would be maintained while allowing for forest succession.

Alternative B, Preferred Alternative

Under Alternative B, Preferred Alternative, 85 acres would be maintained as grassland on the auto tour route to facilitate wildlife observation; water levels would be allowed to fluctuate in Rice Lake to more closely approximate a natural system; the 1,400 acre Wilderness recommendation would be withdrawn to allow for more active management; Native American ceremonies would be held under special use permit and wild rice harvest would be coordinated with a local Native American committee; additional interpretation of cultural resources would be developed in cooperation with the Mille Lacs Band of Ojibwe; demand for interpretation and environmental education would be responded to with additional interpretive opportunities and educational programs with the addition of a park ranger position; the erosion of Hennepin Island would be reversed through rebuilding and protection with a constructed reef; and the 2005 landcover at the Sandstone Unit would be maintained while allowing for forest succession.

Comments

We solicited comments on the draft CCP and environmental assessment for Rice Lake and Mille Lacs NWRs from June 25, 2007 to July 30, 2007. We held an open house at the refuge headquarters on July 10, 2007, to receive comments. We received approximately 15 written comments during the 35 day comment period. We responded to all substantive comments in an appendix to the CCP.

Our Preferred Alternative

After considering the comments we received, we have chosen Alternative B as our preferred alternative. Management of the Refuges for the next 15 years will focus on: (1) Improving the long-term sustainability of wild rice in Rice Lake; (2) reestablishing the white pine super-canopy in Refuge forests; and (3) strengthening programs in wildlife-dependent recreation and cultural resources protection.

Dated: September 12, 2007.

David R. Downes,

Acting Regional Director, Region 3, U.S. Fish and Wildlife Service, Fort Snelling, Minnesota.

[FR Doc. E8–1276 Filed 1–24–08; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Yukon Flats National Wildlife Refuge, Alaska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability of the draft Environmental Impact Statement (EIS) for a Proposed Land Exchange in Yukon Flats National Wildlife Refuge, Alaska, and announcement of Alaska National Interest Lands Conservation Act subsistence hearings.

SUMMARY: We, the Fish and Wildlife Service, announce that the Draft Environmental Impact Statement (DEIS) for a Proposed Land Exchange in the Yukon Flats National Wildlife Refuge, Alaska, is available for public comment. We prepared this DEIS pursuant to the National Environmental Policy Act of 1969 (NEPA) and its implementing regulations. The Service is furnishing this notice to advise the public and

other agencies of the availability of the DEIS and to solicit comments. We have amended our original schedule to provide 60 days for public comment, rather than the minimum 45 days required by regulation. This extension provides the latest date we can accept public comment and still meet our obligation to complete the EIS within the fiscal year. We believe that 60 days is adequate to meet the needs for public review. Public hearings will be held in February and March in the cities of Anchorage and Fairbanks, and the communities of Arctic Village, Beaver, Birch Creek, Central, Chalkyitsik, Circle, Fort Yukon, Stevens Village, and Venetie. In conjunction with the public hearings, we will hold subsistence hearings under Section 810 of the Alaska National Interest Lands Conservation Act (ANILCA) in the affected communities. The schedule for the hearings will be highly dependent on local weather conditions and other community activities and commitments. Dates, times, and locations will be announced locally at least two weeks prior to each hearing.

DATES: We must receive your comments on or before March 25, 2008.

ADDRESSES: Written comments may be submitted on-line at *http://yukonflatseis.ensr.com* or mailed to: Yukon Flats EIS Project Office, c/o ENSR, 1835 S. Bragaw Street, Suite 490, Anchorage, AK 99508–3438. To request a paper copy or compact disk of the DEIS, contact: Cyndie Wolfe, Project Coordinator, U.S. Fish and Wildlife Service, 1011 East Tudor Road, MS–231, Anchorage, AK 99503, or *yukonflats_noi@fws.gov* or at 907–786–3463. You may view or download a copy of the DEIS at: *http://yukonflatseis.ensr.com*. Copies of the DEIS may be viewed at the Yukon Flats National Wildlife Refuge Office in Fairbanks, Alaska and at the U.S. Fish and Wildlife Service Regional Office in Anchorage, Alaska.

FOR FURTHER INFORMATION CONTACT: Cyndie Wolfe at the above address.

SUPPLEMENTARY INFORMATION: The Yukon Flats Refuge is located in eastern interior Alaska. The exterior boundaries encompass about 11.1 million acres, including 2.5 million acres owned or selected by Native corporations established under the Alaska Native Claims Settlement Act of 1971 (ANCSA; 43 U.S.C. 1601, *et seq.*). The Refuge includes the Yukon Flats, a vast wetland basin bisected by the Yukon River. The Refuge supports the highest density of breeding ducks in Alaska, and includes one of the greatest waterfowl breeding areas in North America.

Doyon, Limited (Doyon) is an Alaska Native Regional Corporation established under ANCSA. Under the authority of ANCSA, Congress granted to Doyon land entitlements within an area that later became the Yukon Flats National Wildlife Refuge (Refuge) in 1980. Doyon has ownership interests in nearly 2 million acres within the boundaries of the Refuge, including the surface and subsurface estates of 1.15 million acres of land, and the subsurface estate of another 782,000 acres. An additional 56,500 acres remain to be allocated by Doyon to Village Corporations located in the Refuge; Doyon would own the subsurface to these lands. Doyon is owned by over 14,000 Alaska Natives (Native Americans) with ties to a large portion of interior Alaska. Approximately 1,300 people reside in nine communities in or near the Yukon Flats Refuge. Most residents are Alaska Natives and many are Doyon shareholders.

Negotiators for Doyon and the Fish and Wildlife Service, Alaska Region, have agreed in principle to exchange certain lands within the Refuge. Under the agreement, the United States (U.S.) would convey to Doyon the title to Refuge lands that may hold developable oil and gas resources. In exchange, Doyon would convey to the U.S. certain lands owned by Doyon within the Refuge boundary. These lands include wetlands previously identified by the Service as priority fish and wildlife habitats. In addition, both parties have agreed to exchange nearly six townships (132,000 acres each) to consolidate ownerships and facilitate land management within the Refuge. All lands acquired by the U.S. would be managed as part of the Yukon Flats Refuge. Activities on Doyon-owned lands are not subject to regulation by the Service.

At the request of Doyon and the public, the Service has prepared a Draft Environmental Impact Statement (DEIS) to evaluate the effects of the exchange, in accordance with procedures for implementing the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321–4370d).

The DEIS evaluates a range of reasonable alternatives, including the following four alternatives:

Proposed Action: Equal-value land exchange (based on fair market appraisals) as described in the Agreement in Principle (for the full text of the Agreement, see Appendix A of the DEIS or the project Web site at *http://yukonflatseis.ensr.com/yukon_flats/documents_other.htm*). Under Phase I of this agreement, Doyon would receive about 110,000 acres of Refuge lands with oil and gas potential and 97,000 acres of oil and gas interests (no surface occupancy). In exchange, the U.S. would receive from Doyon a minimum of 150,000 acres with lowland fish and wildlife habitats. The actual amount of land received from Doyon would be more than 150,000 acres if appraisals (due in late spring 2008) indicate more lands are needed to equal the value of the Service lands. In addition, Doyon would reallocate 56,500 acres of its remaining land entitlement under Section 12(b) of ANCSA to areas outside the Refuge. Both parties would pursue additional township-level exchanges to consolidate ownerships. If Doyon were to produce oil or gas on lands acquired in the exchange, under Phase II of the Agreement the Service would receive a perpetual production payment equal to 1.25% of the value at the wellhead to be used to: (1) Purchase from Doyon up to 120,000 acres of additional lands or interests therein, within the Refuge, (2) purchase land or interests therein, from other willing sellers in other national wildlife refuges in Alaska, or to (3) construct facilities in Alaska Refuges.

Alternative 1: Land exchange with non-development easements. The land exchange would proceed as described in Phase I under the Proposed Action above. In addition, at the time of the initial exchange, Doyon would donate to the U.S. non-development easements that preclude development on up to 120,000 acres of Doyon-owned lands. Rather than selling these lands to the U.S. in Phase II (as provided for in the Proposed Action), Doyon would donate the non-development easements whether or not oil and gas is produced from the exchange lands. If Doyon were to produce oil or gas on lands received in the exchange, the U.S. would receive a perpetual production payment of 0.25% of the resource value at the wellhead rather than 1.25% as provided under the Proposed Action.

Alternative 2: Land exchange excluding White-Crazy Mountains. The Yukon Flats Comprehensive Conservation Plan and Environmental Impact Statement recommended Wilderness designation for a 658,000 acre area in the White-Crazy Mountains. Under the Proposed Action and Alternative 1, Doyon would receive title to about 26,500 acres of this land; under Alternative 2, these 26,500 acres would be excluded from the exchange. In Phase I of the exchange, Doyon would receive title to approximately 83,500 acres of Refuge lands (surface and subsurface) and 105,000 acres of oil and gas interests. About 21,000 acres of the latter would be within the area

proposed for Wilderness designation. However, only off-site drilling would be allowed; there would be no surface occupancy by Doyon. From Doyon, the U.S. would receive title to a minimum of 115,000 acres, but the actual amount could be adjusted upward to equalize values. The land consolidation exchange and 12(b) reallocation provisions of Phase I would proceed as detailed in the Agreement in Principle. Phase II of the exchange would proceed as detailed in the Agreement, however Doyon's commitment to sell additional lands to the U.S. would be reduced from about 120,000 acres to about 81,000 acres. Potential access rights-of-way would cross the proposed White-Crazy Mountains Wilderness Area. If Doyon were to produce oil or gas on the lands received in the exchange, the Service would receive a perpetual production payment equal to 1.25% of the value at the wellhead.

Alternative 3: No action (no exchange). The U.S. would not enter into a land exchange with Doyon.

Doyon currently owns about 1.055 million acres of land with oil and gas potential inside the Refuge. Therefore, any alternative, including the ''no action'' alternative, could result in oil and/or gas development on Doyon-owned lands. If Doyon develops any of its lands, including those received through exchange, the resulting infrastructure could facilitate development on other private lands in the Refuge. The impacts of development on Doyon's current land holdings, with or without a land exchange, are analyzed as Cumulative Effects in the DEIS. In most cases, access to Doyon lands would cross federally-owned lands. In these cases, Doyon would be required to apply for a right-of-way permit under Title XI of ANILCA. At that time, a separate NEPA process would evaluate various transportation/pipeline corridor alternatives as well as the proposed oil field development.

During scoping, the Service identified a number of issues that are analyzed in detail in the DEIS. Most of the public scoping comments focused on the potential impacts of oil and gas development in the Yukon Flats rather than the land exchange itself. Therefore much of the DEIS focuses on development impacts. Specifically, the DEIS addresses how the proposed alternatives could affect fish and wildlife; wetlands and aquatic habitats; the physical environment (water quality and quantity, hydrology, air quality, climate); subsistence; cultural/archaeological resources; socioeconomics; refuge purposes; biological integrity, diversity and environmental health; land use (including special designation areas, recreation, visual resources) and environmental justice (including human health).

Section 810 of ANILCA requires the Service to evaluate the effects of the alternatives on subsistence activities and to hold public hearings if any alternative may significantly restrict subsistence activities. The Service analysis finds that the cumulative effects, considered in conjunction with the alternatives, meet the ''may significantly restrict'' threshold. Therefore, the Service will hold subsistence hearings in conjunction with the DEIS public hearings.

Public availability of comments: Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment-including your personal identifying information-may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: January 17, 2008.

Thomas O. Melius,

Regional Director, U.S. Fish and Wildlife Service, Anchorage, Alaska.

[FR Doc. E8–1277 Filed 1–24–08; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Michigan DNR: Application for an Incidental Take Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Availability of a Draft Habitat Conservation Plan and Draft Environmental Assessment for the Karner blue butterfly; receipt of application for an incidental take permit; request for comments.

SUMMARY: The Michigan Department of Natural Resources (Applicant) has applied to the U.S. Fish and Wildlife Service (Service) for a 20-year incidental take permit (ITP) for the federally endangered Karner blue butterfly (*Lycaeides melissa samuelis*) (KBB) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The ITP would allow the Applicant to engage in habitat management, right-of-way maintenance, and certain development activities in occupied KBB habitat on non-Federal land in Michigan. The permit application includes a draft Habitat Conservation Plan (HCP) and draft Environmental Assessment (EA) that describes the proposed action and measures the Applicant will undertake to minimize and mitigate take of KBB. Section 9 of the Act and its implementing regulations prohibit the take of animal species listed as endangered or threatened. The definition of take under the Act includes the following activities: to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed animal species, or attempt to engage in such conduct (16 U.S.C. 1538). Section 10 of the Act, 16 U.S.C. 1539, establishes a program whereby persons seeking to pursue activities that otherwise could give rise to liability for unlawful ''take'' of federally protected species may receive an ITP, which protects them from such liability. To obtain an ITP, an applicant must submit a HCP containing appropriate minimization and mitigation measures and ensure that the taking is incidental to, and not the purpose of, an otherwise lawful activity (16 U.S.C. 1539(a)(1)(B) and 1539(a)(2)(A). Once we have determined the applicant has satisfied these and other statutory criteria, we may issue the ITP.

This notice, provided pursuant to section 10(a)(1)(B) of the Endangered Species Act, as amended, advises the public and other agencies of the availability of the draft HCP and draft EA for review and comment.

DATES: To ensure consideration, we must receive your written comments on or before March 25, 2008.

ADDRESSES: Send your comments or request information by any of the following methods:

- U.S. Mail: Comments should be sent to the Regional Director, U.S. Fish and Wildlife Service, Division of Ecological Services, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056.
- Facsimile: 612–713–5292.
- E-Mail: *hcp_MichiganKBB@fws.gov*.

All comments received become part of the official public record. Public requests for comments submitted will be handled in accordance with the Freedom of Information Act and the Council on Environmental Quality's NEPA regulations [40 CFR 1506.6(f)]. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request we withhold their home address from the record, which we will honor to the extent allowable by law. If a respondent

wishes us to withhold his/her name and/or address, this must be stated prominently at the beginning of the comment.

FOR FURTHER INFORMATION CONTACT: Peter Fasbender at 612–713–5343 or *peter_fasbender@fws.gov*.

SUPPLEMENTARY INFORMATION:

Availability of Documents

Individuals requesting copies of the draft EA and draft HCP should contact the U.S. Fish and Wildlife Service by telephone at (612) 713–5343 or by letter (see **ADDRESSES** above). Copies of the draft EA and draft HCP also are available for public review during normal business hours (8–4:30) at the U.S. Fish and Wildlife Service's Regional Office, located at 1 Federal Drive, Fort Snelling, Minnesota 55111, and at the U.S. Fish and Wildlife Service's East Lansing Field Office, located at 2651 Coolidge Road, Suite 101, East Lansing, Michigan 48823. Both documents are also available for review at the Service's Regional Web site at: *http://www.fws.gov/midwest/Endangered/permits/hcp/index.html.*

Draft Habitat Conservation Plan

The purpose of the draft HCP is to manage habitat to promote recovery of the species and to minimize incidental take of KBB, mitigate the effects of any such take to the maximum extent practicable, and otherwise avoid any appreciable reduction in the likelihood of the survival and recovery of the KBB in the wild. The Applicant developed the draft HCP to facilitate conservation of oak savanna ecosystems (KBB habitat) and to help maintain occupied KBB habitat on both public and private land in Michigan. The goals of the HCP are to: (1) Support persistence of a functioning oak savanna ecosystem in Michigan; (2) support maintenance of oak-savanna habitats in a condition and configuration necessary to sustain existing populations of KBB and other associated species of concern; and (3) integrate diverse land uses with the conservation of the oak savanna ecosystem, KBB and other associated species of concern.

Active management of KBB habitat is necessary for the conservation of KBB and oak savanna. However, some management practices (e.g., prescribed burning, mowing) necessary for maintaining early-successional habitats may result in incidental take of KBB, and section 9 of the ESA prohibits take of an endangered species. Therefore, to obtain the legal authority to manage KBB habitat with the potential resultant take of KBB, the Applicant has applied for an ITP which would allow habitat management, utility and transportation right-of-way maintenance, and certain development activities that avoid or minimize and mitigate take when conducted in occupied KBB habitat.

The Applicant has applied for a statewide ITP and developed a statewide HCP with the intent that other land managers and/or landowners may participate as sub-permittees, subject to the conditions of the final permit, in the event their otherwise lawful activities result in take of KBB. Currently, land managers and landowners need to obtain authorization on a project-by-project basis to conduct legally the activities listed above. This situation results in a patchwork of projects conducted with little coordinated planning or consideration of range-wide impacts to KBB and other species of concern. By contrast, projects implemented under the HCP would be done according to consistent procedures in a highly coordinated effort. The HCP will facilitate efforts to evaluate and minimize the cumulative adverse impacts of individual projects to KBB populations.

Actions conducted under the HCP are not intended or expected to either increase or decrease the amount of occupied KBB habitat in Michigan. Rather, management action will be conducted to help prevent the loss of occupied habitat on non-Federal land. Maintenance of existing populations is a critical component of the KBB conservation program in Michigan. It is also consistent with objectives of the Federal Recovery Plan, which outlines a strategy for ''maintaining extant populations'' and ''improving and stabilizing populations where the butterfly is imperiled.'' Nevertheless, other management actions may take place on non-federal lands in Michigan not occupied by KBB that result in an increase in occupied habitat. The ITP and HCP described herein also are intended to cover any occupied KBB habitat that may develop in the future.

Draft Environmental Assessment

The purpose of the draft EA is to evaluate and publicly disclose the possible environmental consequences issuance of an ITP and implementation of the draft HCP could have on the quality of the physical, biological, and human environment, as required by the National Environmental Policy Act of 1969.

Prior to issuing the ITP, the Service is required to analyze alternatives considered in the development of the HCP. This analysis is contained in the draft EA, as required by the National Environmental Policy Act (NEPA), for the Federal action of issuing an ITP under section 10(a)(1)(B) of the Act. The draft EA considers two ''action'' alternatives and one ''no action'' alternative.

The area encompassed by the HCP may contain facilities eligible to be listed on the National Register of Historic Places and other historical or archeological resources may be present. The National Historic Preservation Act and other laws require these properties and resources be identified and considered in project planning. The public is requested to inform the Service of concerns about archeological sites, buildings and structures, historic events, sacred and traditional areas, and other historic preservation concerns.

Decisions

The public process for the proposed Federal action will be completed after the public comment period, at which time the Service will evaluate the permit application (if appropriate to the selected alternative), the HCP, and comments submitted thereon to determine whether the application meets the requirements of 10(a)(1)(B) of the Act. If the requirements are met, the Service will issue an ITP to the Applicant for incidental take of KBB.

Dated: December 13, 2007.

Lynn Lewis,

Deputy Assistant Regional Director, Ecological Services, Region 3.

[FR Doc. E8–1237 Filed 1–24–08; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Geological Survey

Agency Information Collection Activities: Comment Request

AGENCY: U.S. Geological Survey (USGS), Interior.

ACTION: Proposed extension of an information collection (1028–0078).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are notifying the public that we will submit to the Office of management and Budget (OMB) an information collection request (ICR) to renew approval of the paperwork requirements for the North American Amphibian Monitoring Program (NAAMP). This notice provides the public an opportunity to comment on the ICR.

DATES: Submit written comments by March 25, 2007.

ADDRESSES: You may submit comments to the Department of the Interior, USGS, via:

- *E-mail: atravnic@usgs.gov.* Use Information Collection Number 1028–0078 in the subject line.
- *Fax:* (703) 648–7069. Use Information Collection Number 1028–0078 in the subject line.
- Mail or hand-carry comments to the Department of the Interior; USGS Clearance Officer, U.S. Geological Survey, 807 National Center, Reston, VA 20192. Please reference Information Collection 1028–0078 in your comments.

FOR FURTHER INFORMATION CONTACT: Linda Weir at (301) 497–5932 or the USGS information collection clearance officer at the phone number listed below.

SUPPLEMENTARY INFORMATION:

Title: North American Amphibian Monitoring Program.

OMB Control Number: 1028–0078.

Abstract: The collection of information referred herein applies to a USGS program that permits individuals to submit records of the number of calling amphibians at survey routes. This information is used by scientists and federal, state, and local agencies to monitor amphibian populations and detect population trends. Responses are voluntary. No questions of a ''sensitive'' nature are asked. Further information about the program can be obtained at the Web site *http://www.pwrc.usgs.gov/naamp.*

Estimated Number and Description of Respondents: Approximately 500 volunteer observers.

Frequency of Responses: 3 times per year.

Estimated Number of Annual Responses: 1,500.

Total Annual burden hours: 4,500 hours.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: We estimate the public reporting burden averages 3 hours per response. This includes the time for driving to/from the survey route locations, 5-minute listening period per sampling station (10 sampling stations per route) and data entry time to submit data to the NAAMP.

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: Estimated ''non-hour cost'' burden includes one-time cost per respondent for the purchase of a thermometer, plus the operational cost of mileage for conducting the surveys. The thermometer is needed to record air temperature during the survey. The cost of such thermometers is approximately $15. The total operational costs consist of a mileage estimate in accomplishing a survey, calculated by using the mileage reimbursement rate of 40.5 cents per mile (as used in travel reimbursement for federal employees) times 15 miles (the approximate distance of a calling survey route), for a total of $6.07 per survey.

i. Total capital and start-up costs: $15.00
ii. Total operation and maintenance costs: $6.07

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a current valid OMB control number.

Comments: Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) (44 U.S.C. 3501, *et seq.*) requires each agency '' * * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * * '' Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

To comply with the public consultation process, we publish this **Federal Register** notice announcing that we will submit this ICR to OMB for approval. This notice provides a required 60-day public comment period.

USGS Information Collection Clearance Officer: Alfred Travnicek, 703–648–7231.

Dated: January 8, 2008

Susan D. Haseltine,

Associate Director for Biology.

[FR Doc. 08–283 Filed 1–24–08; 8:45 am]

BILLING CODE 4311–AM–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–320–1330–PB–24 1A]

Extension of Approval Information Collection, OMB Control Number 1004–0169

AGENCY: Bureau of Land Management, Interior.

ACTION: Extension of Approved Information Collection, OMB Control Number 1004–0169.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) plans to request the Office of Management and Budget (OMB) to extend an existing approval to collect information from mining claimants concerning use and occupancy of mining claims on public lands. The nonform information under 43 CFR subpart 3715 authorizes the BLM to manage the use and occupancy of public lands for developing the mineral deposits by mining claimants.

DATES: You must submit your comments to the BLM at the address below on or before March 25, 2008. The BLM will not necessarily consider any comments received after the above date.

ADDRESSES: You may send comments to the U.S. Department of the Interior, Bureau of Land Management, Mail Stop 401LS, 1849 C Street, NW., Washington, DC 20045, ''ATTN: 1004–0169''.

You may send comments via the Internet to *WOComments@blm.gov*. Please include ''ATTN: 1004–0169'' and your name and address in your Internet message. You may deliver comments to: The U.S. Department of the Interior, Bureau of Land Management, Administrative Record, Room 401, 1620 L Street, NW., ATTN: Bureau Information Collection Clearance Officer (WO–630), Washington, DC, 20036 during regular business hours (7:45 a.m. to 4:15 p.m.) Monday through Friday, except on Federal holidays.

All comments will be available for public review at the L Street address during regular business hours (7:45 a.m. to 4:15 p.m.) Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: You may contact Roger Haskins at 202–452–0355 (Commercial or FTS). Persons who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) on 1–800–877–8330, 24 hours a day, seven days a week, to leave a message for Mr. Haskins.

SUPPLEMENTARY INFORMATION: 5 CFR 1320.12(a) requires that we provide a 60-day notice in the **Federal Register** concerning a collection of information to solicit comments on:

(a) Whether the collection of information is necessary for the proper functioning of the agency, including whether the information will have practical utility;

(b) The accuracy of our estimates of the information collection burden,

including the validity of the methodology and assumptions we use;

(c) Ways to enhance the quality, utility, and clarity of the information collected; and

(d) Ways to minimize the information collection burden on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

The General Mining Law (30 U.S.C. 612), Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733), and the regulations is collected under 43 CFR 3715 authorize the BLM to manage use and occupancy of mining claims on public lands. The nonform information in the regulations is collected under 43 CFR part 3715, which authorizes the BLM to collect information concerning proposed mining development activities on public lands. Without this information, the BLM would not be able to analyze and approve mining claimants' proposed use and occupancy activities.

Mining claimants planning to occupy their mining claims on public lands under the mining laws must submit the following information to the BLM:

(1) A detailed map that identifies the site and shows the place of temporary and permanent structures for occupancy, the location of and reason for the structures intended to exclude the public, and the location of reasonable public passage or access routes through or around the area adjacent to public lands;

(2) A written description of the proposed occupancy that describes in detail how the proposed occupancy is reasonably incident to mining and how the proposed occupancy meets the conditions of 43 CFR 3715.2 and 3715.2–1; and

(3) An estimate of the period of use of the structures during which the public would be excluded, and a schedule for removing them and reclaiming the lands when the operations end.

Based upon the BLM's experience with mining claims use and occupancy activity, it estimates the public reporting information collection burden takes 2 hours to gather and complete. The respondents are mining claimants and operators of prospecting, exploration, mining, and processing operations. The estimated number of responses per year is 150 and the total annual burden is 300 hours. The BLM will summarize all responses to this notice and include them in the request OMB approval. All comments will become a matter of public record.

Dated: January 18, 2008.

Ted R. Hudson,

Bureau of Land Management, Information Collection Clearance Officer.

[FR Doc. E8–1292 Filed 1–24–08; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–030–08–1610–PH–24–1A]

Notice of Resource Advisory Committee Meeting

AGENCY: Grand Staircase-Escalante National Monument (GSENM), Bureau of Land Management (BLM), Department of the Interior.

ACTION: Notice of Grand Staircase-Escalante National Monument Advisory Committee (GSENMAC) Meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and The Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management's (BLM) Grand Staircase-Escalante National Monument Advisory Committee (GSENMAC) will meet as indicated below.

DATES: The GSENMAC will meet March 5 and 6, 2008.

ADDRESSES: The GSENMAC will meet at the Escalante Interagency Visitor Center, Conference Room, 755 W. Main Street, Escalante, UT.

FOR FURTHER INFORMATION CONTACT: Larry Crutchfield, Public Affairs Officer, GSENM Headquarters Office, 190 East Center, Kanab, Utah 84741; phone (435) 644–4310, or e-mail *larry_crutchfield@blm.gov*.

SUPPLEMENTARY INFORMATION: The meeting on March 5 will begin at 8:30 a.m. and conclude at 6 p.m.; the meeting on March 6 will begin at 8:30 a.m. and conclude at 3:30 p.m.

The Grand Staircase-Escalante National Monument Advisory Committee (GSENMAC) was first appointed by the Secretary of Interior on September 26, 2003, pursuant to the Monument Management Plan, the Federal Land Policy and Management Act of 1976 (FLPMA), and the Federal Advisory Committee Act of 1972 (FACA) and was subsequently reappointed June 2, 2006. As specified in the Monument Management Plan, the GSENMAC will have several primary tasks: (1) Review evaluation reports produced by the Management Science Team and make recommendations on protocols and projects to meet overall objectives. (2) Review appropriate research proposals and make recommendations on project necessity and validity. (3) Make recommendations regarding allocation of research funds through review of research and project proposals as well as needs identified through the evaluation process above. (4) Could be consulted on issues such as protocols for specific projects.

Topics to be presented and discussed by the GSENMAC include: Management updates to the GSENMAC, Ad Hoc Reports on Restoration and Information management, and discussion of science planning.

Members of the public are welcome to address the committee beginning at 5 p.m. local time on March 5, 2008, in Escalante, Utah, at the Interagency Visitor Center. Depending on the number of persons wishing to speak, a time limit could be established. Interested persons may make oral statements to the GSENMAC during this time or written statements may be submitted for the GSENMAC's consideration. Written statements can be sent to: Grand Staircase-Escalante National Monument, Attn.: Larry Crutchfield, 190 E. Center Street, Kanab, UT 84741. Information to be distributed to the GSENMAC is requested 10 days prior to the start of the GSENMAC meeting.

All meetings are open to the public; however, transportation, lodging, and meals are the responsibility of the participating public.

Dated: January 18, 2008.

Rene Berkhoudt,

Acting Monument Manager, Grand Staircase-Escalante National Monument.

[FR Doc. E8–1272 Filed 1–24–08; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–910–08–0777–XX]

Notice of Public Meeting, New Mexico Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management, New Mexico Resource Advisory Council (RAC), will meet as indicated below.

DATES: The meeting dates are March 5–7, 2008, at the Las Cruces District Office,

1800 Marquess St., Las Cruces, New Mexico. The public comment period is scheduled March 5, from 6–7 p.m. at the Las Cruces District Office. On Thursday, March 6, the meeting is scheduled from 8 a.m. to 5 p.m., and on Friday, March 7, the meeting is scheduled from 8 a.m. to 12 noon. The public may present written comments to the RAC. Depending on the number of individuals wishing to comment and time available, oral comments may be limited.

SUPPLEMENTARY INFORMATION: The 15-member RAC advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of planning and management issues associated with public land management in New Mexico. All meetings are open to the public. At this meeting, topics include issues on renewable and nonrenewable resources.

FOR FURTHER INFORMATION CONTACT: Theresa Herrera, New Mexico State Office, Office of External Affairs, Bureau of Land Management, P.O. Box 27115, Santa Fe, New Mexico 87502–0115, 505.438.7517.

Linda S.C. Rundell,

State Director.

[FR Doc. E8–1278 Filed 1–24–08; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–260–08–1060–XO–24 1A]

Wild Horse and Burro Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Announcement of meeting.

SUMMARY: The Bureau of Land Management (BLM) announces that the Wild Horse and Burro Advisory Board will conduct a meeting on matters pertaining to management and protection of wild, free-roaming horses and burros on the Nation's public lands.

DATES: The Advisory Board will meet Monday February 25, 2008, from 8 a.m. to 5 p.m., local time. This will be a one day meeting.

ADDRESSES: The Advisory Board will meet in Tucson, Arizona, at the Radisson Suites Tucson, 6555 E. Speedway Blvd., Tucson, AZ 85710. The Radisson's phone number is (520) 721–7100.

Written comments pertaining to the Advisory Board meeting should be sent to: Bureau of Land Management, National Wild Horse and Burro Program, WO–260, Attention: Ramona DeLorme, 1340 Financial Boulevard, Reno, Nevada, 89502–7147. Submit written comments pertaining to the Advisory Board meeting no later than close of business, February 15, 2008. See the **SUPPLEMENTARY INFORMATION** section for electronic access and filing address.

FOR FURTHER INFORMATION CONTACT: Ramona DeLorme, Wild Horse and Burro Administrative Assistant, at 775–861–6582. Individuals who use a telecommunications device for the deaf (TDD) may reach Ms. DeLorme at any time by calling the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Public Meeting

Under the authority of 43 CFR part 1784, the Wild Horse and Burro Advisory Board advises the Secretary of the Interior, the Director of the BLM, the Secretary of Agriculture, and the Chief of the Forest Service, on matters pertaining to management and protection of wild, free-roaming horses and burros on the Nation's public lands. The tentative agenda for the meeting is:

Monday February 25, 2008 (8 a.m.–5 p.m.)

8 a.m.—Call to Order and Introductions:
8:15 a.m.—Old Business:
  Approval of November, 2007 Minutes
  Update Pending Litigation
8:45 a.m.—Program Updates:
  Gathers
  Adoptions
  Facilities
  Forest Service Update
Break—(9:30 a.m.–9:45 a.m.)
9:45 a.m.—Program Updates (continued):
  Program Accomplishments
  BLM Response to Advisory Board Recommendations
Lunch—(11:45 a.m.–1 p.m.)
1 p.m.—New Business
Break—(2:45–3 p.m.)
3 p.m.—Public Comments
4 p.m.—Board Recommendations
4:45 p.m.—Recap/Summary/Next Meeting/Date/Site
5 p.m.—Adjourn

The meeting site is accessible to individuals with disabilities. An individual with a disability needing an auxiliary aid or service to participate in the meeting, such as an interpreting service, assistive listening device, or materials in an alternate format, must notify the person listed under **FOR FURTHER INFORMATION CONTACT** two weeks before the scheduled meeting date. Although the BLM will attempt to meet a request received after that date, the requested auxiliary aid or service may not be available because of insufficient time to arrange it.

The Federal Advisory Committee Management Regulations [41 CFR 101–6.1015(b),] require BLM to publish in the **Federal Register** notice of a meeting 15 days prior to the meeting date.

II. Public Comment Procedures

Members of the public may make oral statements to the Advisory Board on February 25, 2008, at the appropriate point of the agenda. This opportunity is anticipated to occur at 3 p.m., local time. Persons wishing to make statements should register with the BLM by noon on February 25, 2008, at the meeting location. Depending on the number of speakers, the Advisory Board may limit the length of presentations. At previous meetings, presentations have been limited to three minutes in length. Speakers should address the specific wild horses and burro-related topics listed on the agenda. Speakers must submit a written copy of their statement to the address listed in the **ADDRESSES** section or bring a written copy to the meeting.

Participation in the Advisory Board meeting is not a prerequisite for submission of written comments. The BLM invites written comments from all interested parties. Your written comments should be specific and explain the reason for any recommendation. The BLM appreciates any and all comments, but those most useful and likely to influence decisions on management and protection of wild horses and burros are those that are either supported by quantitative information or studies or those that include citations to and analysis of applicable laws and regulations. Except for comments provided in electronic format, speakers should submit two copies of their written comments where feasible. The BLM will not necessarily consider comments received after the time indicated under the **DATES** section or at locations other than those listed in the **ADDRESSES** section.

In the event there is a request under the Freedom of Information Act (FOIA) for a copy of your comments, the BLM will make them available in their entirety, including your name and address. However, if you do not want the BLM to release your name and address in response to a FOIA request, you must state this prominently at the beginning of your comment. The BLM will honor your request to the extent allowed by law. The BLM will release all submissions from organizations or businesses, and from individuals

identifying themselves as representatives or officials of organizations or businesses, in their entirety, including names and addresses.

Electronic Access and Filing Address

Speakers may transmit comments electronically via the Internet to: *ramona_delorme@blm.gov.* Please include the identifier ''WH&B'' in the subject of your message and your name and address in the body of your message.

Dated: January 17, 2008.

Ed Roberson,

Assistant Director, Renewable Resources and Planning.

[FR Doc. 08–285 Filed 1–24–08 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTEROR

Bureau of Land Management

[WY–030–1430–FR; WYW–160261]

Notice of Realty Action; Modified Competitive Sale of Public Lands in Sweetwater County, Wyoming

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM) proposes to sell 40 acres of public lands near Wamsutter, Wyoming, Sweetwater County, to the Town of Wamsutter for current and future affordable housing purposes. These lands consist of one parcel totaling 40.00 acres more or less, which has been identified for disposal in the Great Divide Resource Management Plan, dated November 9, 1990. The sale will be conducted using modified competitive bidding procedures in accordance with and under the applicable provisions of sections 203 of the Federal Land Policy and Management Act of 1976 (FLPMA) (43 U.S.C. 1713), its implementing regulations, and in accordance with 43 CFR 2711.3–2, BLM land sale regulations at 43 CFR Part 2710 and the Federal Land Transaction Facilitation Act of 2000, Public Law 106–248, July 25, 2000.

DATES: Comments regarding the proposed sale must be received by the BLM on or before March 10, 2008. Sealed bids must be received by March 25, 2008.

ADDRESSES: Comments regarding the proposed sale, including the environmental assessment (EA), should be addressed to: Field Manager, Rawlins Field Office, Bureau of Land Management, 1300 N. Third Street, Rawlins, Wyoming 82301. More detailed information regarding the proposed sale and the land involved may be viewed during normal business hours (7:45 a.m. to 4:30 p.m.) at the Rawlins Field Office (RFO).

FOR FURTHER INFORMATION CONTACT: Chuck Valentine at (307) 328–4307 or by e-mail at *Chuck_Valentine@blm.gov*. For general information on BLM's public land sale procedures, refer to the following Web address: *http://www.blm.gov/nhp/what/lands/realty/tenure/sale.html.*

SUPPLEMENTARY INFORMATION: The Town of Wamsutter, Wyoming (Wamsutter), has proposed 40.00 acres be sold for the purpose of providing affordable housing for current and future residents. Suitable housing is extremely limited in Wamsutter, where a population growth has been spurred on by nearby oil and gas development. It is extremely important to Wamsutter's economic development to provide land for affordable housing. Wamsutter is an adjacent landowner and has legal access to the proposed disposal parcel. Other lands located within the municipal boundaries of Wamsutter are not suitable for housing due to topography, existing utilities and/or non-compatible adjacent uses. Wamsutter is willing to purchase the parcel at not less than fair market value, subject to modified competitive bidding procedures. Wamsutter is concerned that open bidding, without allowing them the right to meet the highest bid, would preclude the opportunity to develop the adjacent property for affordable housing. On consideration of the factors described above, which include the ownership or control of the adjacent lands and the absence of identified needs for the parcel other than those proposed by Wamsutter, the authorized officer has determined that the request by Wamsutter meets the criteria in 43 CFR 2711.3–2 and that a modified competitive sale best serves the public interest. The authorized officer has determined that the method of sale will be to offer to the designated bidder the right to meet the highest bid in accordance with 43 CFR 2711.3–2(a)(1)(i), and CFR 2711.3–2(a)(2) as described above. This notice designates Wamsutter as the one bidder with the right to meet the highest bid.

(1) Modified competitive bidding includes, but is not limited to:

(i) Offering to designated bidders the right to meet the highest bid. Refusal or failure to meet the highest bid shall constitute a waiver of such bidding provisions; or

(ii) A limitation of persons permitted to bid on a specific tract of land offered for sale; or

(iii) Offering to designated bidders the right of first refusal to purchase the lands at fair market value. Failure to accept an offer to purchase the offered lands within the time specified by the authorized officer shall constitute a waiver of this preference consideration.

(2) Factors that shall be considered in determining when modified competitive bidding procedures shall be used, include but are not limited to: ''Needs of State and/or local government, adjoining landowners, historical users, and other needs for the tract * * *.''

The proposed sale is consistent with the BLM Great Divide Resource Management Plan dated November 9, 1990, and would serve important public objectives which cannot be achieved prudently or feasibly elsewhere. The land contains no other known public values. Maps, the approved appraisal report, and the environmental assessment covering the proposed sale are available for review at the BLM, Rawlins Field Office, Rawlins, Wyoming (RFO).

Sealed bids must be received by the RFO at the address listed above, not later than 60 days after publication of this notice in the **Federal Register**.

Sealed bids must be contained in an envelope marked ''Sealed Bid for Parcel WYW–160261.'' All bidders must submit, with their sealed bid, a certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management in an amount not less than 20% of the appraised fair market value (FMV), which has been determined to be $120,000.00 for WYW–160261. If two or more envelopes containing valid bids of the same amount are received, the determination of which is to be considered the highest bid shall be through submission of supplemental sealed bids. Bids will be opened at the RFO at the address listed above within 70 days from the publication of this Notice.

Lands Proposed for Sale

Sixth Principal Meridian, Sweetwater County, Wyoming
T. 20 N., R. 94 W.,
Sec. 34: SW¼NW¼NW¼, W½SW¼NW¼, SE¼SW¼NW¼.

The land described contains 40.00 acres, more or less, in Sweetwater County.

Terms and Conditions of Sale: The BLM sale parcel will be offered for sale via written sealed bid and is subject to the following:

1. Based upon receipt of valid bids, BLM will offer Wamsutter the right to meet the highest bid and purchase the lands at an amount equal to the highest bid price, which must be not less than the fair market value as determined by the Secretary. If Wamsutter declines this offer, the bidder with the highest sealed bid price will be declared the high bidder. Upon acceptance by BLM of the offer to purchase, the declared high bidder must remit prior to expiration of 180 days from the land sale offer date, the balance of the accepted full bid price to BLM in the form of a certified check, money order, bank draft, or cashier's check made payable to the order of the Bureau of Land Management, Rawlins Field Office, 1300 N. Third Street, Rawlins, Wyoming 82301. Personal checks will not be accepted. Failure to pay the full price within the 180 days will disqualify the apparent high bidder and cause the entire 20% deposit to be forfeited to the BLM.

2. Maps delineating the individual proposed sale parcel are available for public review at the BLM RFO along with the appraisal and the environmental assessment.

3. The BLM may accept or reject any or all offers, or withdraw the parcel of land or interest therein from sale, if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with FLPMA or other applicable laws or would not be in the public interest. If not sold, the parcel may be identified for sale at a later date without further legal notice.

4. Federal law requires bidders to be U.S. citizens 18 years of age or older; a corporation subject to the laws of any State or of the United States; a State, State instrumentality, or political subdivision authorized to hold property, or an entity including, but not limited to, associations or partnerships capable of holding property or interest therein under the laws of the State of Wyoming. Certification of qualification, whether of citizenship or corporate or partnership status, must accompany the bid deposit.

5. The patent, when issued, will contain a reservation to the United States for:

a. A right-of-way is reserved for ditches and canals constructed by authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945); and

b. All the minerals in the lands so patented pursuant to section 209 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1719, including, without limitation, substances subject to disposition under the general mining laws, the general mineral leasing laws, the Materials Act and the Geothermal Steam Act, and to it, or persons authorized by it, the right to prospect for, mine and remove the minerals from the same under applicable law and such regulations as the Secretary of the Interior may prescribe. This includes all necessary and incidental activities conducted in accordance with the provisions of the mining, geothermal, mineral leasing, and material disposal laws in effect at the time such activities are undertaken, including without limitation, necessary access and exit rights, all drilling, underground, open pit or surface mining operations, storage and transportation facilities deemed necessary and authorized under law and implementing regulations.

c. Those rights for mineral material site purposes granted to Wyoming Department of Transportation, its successors or assigns by Right-of-Way Serial No. WYW–109146, under the Interstate and Defense Highways Act and the Federal-Aid Highway Act (23 U.S.C. 317(A), (072 Stat. 0916)).

6. The patent, when issued, will be made subject to the following existing rights of record:

a. Those rights for road purposes granted to Wyoming Department of Transportation, its successors or assigns by Right-of-Way Serial No. WYW–0116729 and WYW–030313, under the Act of November 9, 1921 (43 Stat. 212);

b. Those rights for electric power purposes granted to Pacific Power & Light, its successors or assigns by Right-of-Way Serial No. WYW–136474 and WYW–81342, Under Title V of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1761–1771;

c. Those rights for electric power purposes granted to Pacific Power & Light, its successors or assigns by Right-of-Way Serial No. W–0131538, under the Act of March 4, 1911 (36 Stat. 1253);

d. Those rights for telephone and telegraph purposes granted to Colorado Interstate Gas, its successors or assigns by Right-of-Way Serial No. WYW–62912, under Title V of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1761–1771;

e. Those rights for road purposes granted to BP America Production Company, its successors or assigns by Right-of-Way Serial No. WYW–143762, under Title V of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1761–1771;

f. Those rights for road purposes granted to the Town of Wamsutter, Wyoming, its successors or assigns by Right-of-Way Serial No. WYW–76278, under Title V of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1761–1771; and

g. Applications received prior to publication of this Notice if processing the application would have no adverse effect on the federally approved Fair Market Value (FMV).

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for sale under FLPMA and leasing under the mineral leasing laws. The segregative effect of this notice will terminate upon issuance of a patent or other document of conveyance for such land, upon publication in the **Federal Register** of a termination of the segregation, or 2 years from the date of the publication of this notice in the **Federal Register**, whichever comes first, unless extended by the BLM State Director in accordance with 43 CFR 2711.1–2(d), prior to the expiration date.

Additional Information: No representation or warranty of any kind, express or implied, is given or will be given by the United States as to the title, the physical condition or the past, present, or potential uses of the land proposed for sale. However, to the extent required by law, such land is subject to the requirements of section 120(h) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), as amended (42 U.S.C. 9620(h)).

Public Comments: For a period of 45 days after publication of this Notice in the **Federal Register**, the BLM Field Manager, Rawlins Field Office, 1300 N. Third Street, Rawlins, Wyoming 82301 will receive comments submitted via mail or overnight delivery from the general public and interested parties. Facsimiles, telephone calls, or electronic mail via Internet will not be considered as validly submitted comments. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Any adverse comments will be reviewed by the State Director, who may sustain, vacate, or modify this realty action in whole or in part. In the absence of any timely filed objections, this realty action will become the final determination of the Department of the Interior.

The land will not be offered for sale prior to March 25, 2008.

(Authority: 43 CFR 2711.1–2)

Dated: January 11, 2008.

Patrick Madigan,

Field Manager, Rawlins Field Office, Wyoming.

[FR Doc. E8–1275 Filed 1–24–08; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–922–08–1310–FI; COC65790]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Proposed Reinstatement of Terminated Oil and Gas Lease.

SUMMARY: Under the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), the Bureau of Land Management (BLM) received a petition for reinstatement of oil and gas lease COC65790 from IPR Lay Creek, LLC for lands in Moffat County, Colorado. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Milada Krasilinec, Land Law Examiner, Branch of Fluid Minerals Adjudication, at 303.239.3767.

SUPPLEMENTARY INFORMATION: The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre or fraction thereof, per year and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and $163 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease COC65790 effective April 1, 2008, under the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Dated: January 17, 2008.

Milada Krasilinec,

Land Law Examiner.

[FR Doc. E8–1256 Filed 1–24–08; 8:45 am]

BILLING CODE 4310–JB–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–631]

In the Matter of Certain Liquid Crystal Display Devices and Products Containing the Same; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 21, 2007, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Samsung Electronics Co., Ltd. of Korea. Letters supplementing the complaint were filed on December 28, 2007 and January 15, 2008. The complaint as supplemented alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain liquid crystal display devices and products containing the same that infringe U.S. Patent Nos. 7,193,666, 6,771,344, 7,295,196, and 6,937,311. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue an exclusion order and a cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202–205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Mareesa A. Frederick, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2007).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on January 18, 2008, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain liquid crystal display devices and products containing the same by reason of infringement of one or more of claims 1, 2, 8, 15–17, 19–21, and 23 of U.S. Patent No. 7,193,666; claims 7 and 8 of U.S. Patent No. 6,771,344; claims 1–9, 11–14, and 16 of U.S. Patent No. 7,295,196; and claims 6–8 of U.S. Patent No. 6,937,311, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Samsung Electronics Co., Ltd., 416 Maetan-dong, Youngtong-gu, Suwon, Kyunggi-Do, Korea 443–742.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Sharp Corporation, 22–22 Nagaike-cho, Abeno-ku, Osaka 545–8522, Japan.

Sharp Electronics Corporation, 1 Sharp Plaza, Mahwah, New Jersey 07430–2135.

Sharp Electronics Manufacturing, Company of America, Inc., 9295 Siempre Viva Road, Suite J2, San Diego, California 92154.

(c) The Commission investigative attorney, party to this investigation, is Mareesa A. Frederick, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Room 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in

accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of the respondents to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondents, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or cease and desist order or both directed against the respondents.

Issued: January 18, 2008.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E8–1270 Filed 1–24–08; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1143 (Preliminary)]

Small Diameter Graphite Electrodes From China

AGENCY: United States International Trade Commission.

ACTION: Institution of antidumping investigation and scheduling of a preliminary phase investigation.

SUMMARY: The Commission hereby gives notice of the institution of an investigation and commencement of preliminary phase antidumping investigation No. 731–TA–1143 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from China of small diameter graphite electrodes, provided for in subheading 8545.11.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to section 732(c)(1)(B) of the Act (19 U.S.C. 1673a(c)(1)(B)), the Commission must reach a preliminary determination in antidumping investigations in 45 days, or in this case by March 3, 2008. The Commission's views are due at Commerce within five business days thereafter, or by March 10, 2008.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

DATES: *Effective Date:* January 17, 2008.

FOR FURTHER INFORMATION CONTACT: Nathanael Comly (202–205–3174), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—This investigation is being instituted in response to a petition filed on January 17, 2008, by SGL Carbon LLC, Charlotte, NC and Superior Graphite Co., Chicago, IL.

Participation in the investigation and public service list.—Persons (other than petitioners) wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this investigation available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigation under the APO issued in the investigation, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Operations has scheduled a conference in connection with this investigation for 9:30 a.m. on February 7, 2008, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Nathanael Comly (202–205–3174) not later than February 5, 2008, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before February 12, 2008, a written brief containing information and arguments pertinent to the subject matter of the investigation. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 Fed. Reg. 68036 (November 8, 2002). Even where electronic filing of a document is permitted, certain documents must also be filed in paper form, as specified in II (C) of the Commission's Handbook on

Electronic Filing Procedures, 67 FR 68168, 68173 (November 8, 2002).

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

Issued: January 18, 2008.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E8–1271 Filed 1–24–08; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of a Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on January 11, 2008, a proposed Consent Decree in the case of *United States* v. *Alcan Aluminum Corporation*, Docket No. 3:99–CV–1160, was lodged with the United States District Court for the Middle District of Pennsylvania.

In this proceeding, the United States filed a claim pursuant to Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9607, for reimbursement of costs incurred in connection with response actions taken at the Butler Mine Tunnel Superfund Site, in Pittston Township, Luzerne County, Pennsylvania. Pursuant to the Consent Decree, the settling Defendant agrees to pay $1,830,120 in reimbursement of costs previously incurred by the United States.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the Consent Decree. Comments should be addressed the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov*, or mailed to: P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to: *U.S.* v. *Alcan Aluminus Corp.*, DJ. Ref. 90–11–3–134A.

The Consent Decree may be examined at U.S. EPA Region III, Office of Regional Counsel, 1650 Arch Street, Philadelphia, PA 19103–2029, c/o Jefferie Garcia, Esq. During the public comment period, the Consent Decree may also be examined at the following Department of Justice Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Settlement Agreement may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $4.25 (25 cents per page reproduction cost), payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Robert Brook,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 08–268 Filed 1–24–08; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA'')

Notice is hereby given that on January 8, 2008, a proposed Consent Decree in *United States* v. *Ashland, Inc.* (W.D.N.Y.) No. 04–0904 (JTE) was lodged with the United States District Court for the Western District of New York.

On November 10, 2004, the United States, on behalf of the Army Corps of Engineers (Corps), filed a Complaint under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9607(a), against Ashland Inc. (Ashland) seeking recovery of $23,145,119.00 in past costs, plus all future costs incurred by the Army Corps of Engineers in responding to the release or threat of release of hazardous substances at the Ashland 2 Site in Tonawanda, New York. Ashland has placed $2.75 million into an escrow account; the Consent Decree provides that Ashland will transfer the principal amount of $2.75 million plus any interest accrued from August 22, 2007 to the United States. In exchange, the United States has given Ashland a covenant not to sue, with restrictions, for the Ashland 1, 2, Rattlesnake Creek, and Seaway Sites under Sections 106, 107(a), and 113(f). of CERCLA, 42 U.S.C. 9606, 9607(a), and 9613(f).

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Ashland, Inc.* (W.D.N.Y.) No. 04–0904 (JTE), D.J. Ref. 90–11–2–08292.

The Consent Decree may be examined at the Office of the United States Attorney, Western District of New York, 138 Delaware Avenue, Buffalo, New York 14202 and at the U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, NY 14207. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $8.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Ronald Gluck,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 08–269 Filed 1–24–08; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of a Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on January 11, 2008, a proposed Consent Decree in the case of *United States* v. *Estate of Harry Crossley, et al.*, Docket No. 5:08–cv–197, was lodged with the United States District Court for the Eastern District of Pennsylvania.

In this proceeding, the United States filed a claim pursuant to Section 107 of the Comprehensive Environmental

Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9607, for reimbursement of costs incurred in connection with response actions taken at the Crossley Farms Superfund Site, located in Huffs Church, Hereford Township, Berks County, Pennsylvania. Pursuant to the Consent Decree, the settling Defendants agree to pay $155,000 in reimbursement of costs previously incurred by the United States.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov*, or mailed to: P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to: *U.S.* v. *Estate of Harry Crossley, et al.*, DJ. Ref. 90–11–2–07484.

The Consent Decree may be examined at U.S. EPA Region III, Office of Regional Counsel, 1650 Arch Street, Philadelphia, PA 19103–2029, c/o Gail Wilson, Esq. During the public comment period, the Consent Decree may also be examined at the following Department of Justice Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Settlement Agreement may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $6 (25 cents per page reproduction cost), or $6.50 for the Consent Decree and the attached exhibits, payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Robert Brook,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 08–266 Filed 1–24–08; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on January 11, 2008, a proposed Consent Decree in *United States* v. *The Housing Authority of the City of Dallas, Texas*, Civil Action No. 3:08CV–0051–D, was lodged with the United States District Court for the Northern District of Texas.

This settlement relates to Operable Unit 2 of the RSR Corporation Superfund Site located in the western part of the City of Dallas, Dallas County, Texas (''the Site'').

The proposed Consent Decree settles an action brought under section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9622, seeking, *inter alia*, reimbursement of certain response and oversight costs incurred pursuant to an Administrative Order on Consent (''AOC'') entered into between the Housing Authority of the City of Dallas, Texas (the ''Dallas Housing Authority'') and the United States Environmental Protection Agency (''EPA''). Under the proposed Consent Decree, the Dallas Housing Authority will reimburse the United States for $233,178.94 in past response costs incurred pursuant to the AOC.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *The Dallas Housing Authority*, D.J. Ref. 90–11–3–1613/4.

The Consent Decree may be examined at the Office of the United States Attorney, Northern District of Texas, 1100 Commerce Street, Suite 300, Dallas, Texas 75242–1699, and at U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy by mail from the Consent Decree Library, please enclose a check in the amount of $17.50 (25 cents per page reproduction cost) for the Consent Decree payable to the U.S. Treasury. In requesting a copy of the Consent Decree exclusive of exhibits, please enclose a check in the amount of $4 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Thomas A. Mariani, Jr.,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 08–270 Filed 1–24–08; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act

Notice is hereby given that on January 14, 2008, a proposed Consent Decree, in *United States* v. *S.H. Bell Co.,* Civil No. 4:08–cv–96 (N.D. Ohio), was lodged with the United States District Court for the Northern District of Ohio. In this action, the United States sought civil penalties against S.H. Bell for violations of the Clean Air Act (''CAA''), 42 U.S.C. 7401–7671q, regulations implementing the CAA, the Ohio State Implementation Plan (''Ohio SIP'') and the Pennsylvania State Implementation Plan (''Pennsylvania SIP'') at two terminals of S.H. Bell's facility located at 2217 Michigan Avenue (Stateline Terminal) and 1 Saint George Street East (Little England Terminal), Liverpool, Ohio. The United States alleged that S.H. Bell failed to apply for appropriate permits under the CAA, the Ohio SIP and the Pennsylvania SIP for stationary sources at its two terminals; failed to obtain a permit to install (''PTI''), and timely comply with control requirements of a valid PTI, as required by the Ohio SIP at certain stationary sources at its East Liverpool facility; and violated the General Provisions of the New Source Performance Standards (''NSPS'') set forth at 40 CFR 60.7 and 60.8 for nonmetallic mineral processing plants.

Under the Consent Decree, S.H. Bell shall: (1) Pay a civil penalty of $50,000; (2) comply with all applicable emissions limitations and testing requirements in its existing source operating permits and any amendments; (3) cooperate with Ohio Environmental Protection Agency (''Ohio EPA'') and Pennsylvania Department of Environmental Protection (''Pennsylvania DEP'') officials in the processing of S.H. Bell's filed applications for appropriate source

permits at its East Liverpool facility; (4) certify that it does not currently process nonmetallic minerals at its East Liverpool facility, and in the event that it resumes such processing, comply with applicable provisions of NSPS; and, implement two Supplemental Environmental Projects valued at $386,592, consisting of a Truck Loadout Shed and Road Paving Projects at its East Liverpool facility.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to United States Department of Justice, P.O. Box 7611, Washington, DC 20044–7611, and should refer to *United States* v. *S.H. Bell Co.,* Civil No. 4:08–cv–96 (N.D. Ohio), and DOJ Reference No. 90–5–2–1–07823.

The proposed Consent Decree may be examined at: (1) The Office of the United States Attorney for the Northern District of Ohio, 801 West Superior Avenue, Suite 400, Cleveland, OH, 44113 (216–622–3600); and (2) the United States Environmental Protection Agency (Region 5), 77 West Jackson Blvd., Chicago, IL 60604–3507 (contact: John C. Matson (312–886–2243).

During the public comment period, the proposed Consent Decree may also be examined on the following U.S. Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the proposed Consent Decree may also be obtained by mail from the Consent Decree Library, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood *(tonia.fleetwood@usdoj.gov),* fax no. (202) 514–0097, phone confirmation no. (202) 514–1547. In requesting a copy from the Consent Decree Library, please refer to the referenced case and DOJ Reference Number and enclose a check in the amount of $10 for the Consent Decree only (40 pages, at 25 cents per page reproduction costs), or $19.25 for the Consent Decree and Appendix A (77 pages), made payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

William D. Brighton,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 08–271 Filed 1–24–08: 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging Consent Decree Pursuant to the Clean Air Act, the Comprehensive Environmental Response, Compensation and Liability Act, and the Emergency Planning and Community Right-To-Know Act

In accordance with 28 CFR 50.7, notice is hereby given that on January 15, 2008, a proposed consent decree in *United States* v. *Sinclair Wyoming Refining Co., et al.,* Case No. 08cv020–D, was lodged with the United States Court for the District of Wyoming. The proposed consent decree would resolve the United States' claims against Sinclair Wyoming. Refining Company, Sinclair Casper Refining Company, and Sinclair Tulsa Refining Company (collectively the ''Sinclair Refineries'') brought pursuant to Section 113(b) of the CAA, 42 U.S.C. 7413(b); Section 103(a) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9603(a); and Section 304 of the Emergency Planning and Community Right-To-Know Act, 42 U.S.C. 11004. Under the terms of the consent decree, the Sinclair Refineries will pay civil penalties totaling $2,450,000 to the United States and the states of Oklahoma and Wyoming, undertake supplemental environmental projects valued at $150,000, and complete extensive injunctive relief.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and may be submitted electronic mail to the following address: *pubcomment-ees.enrd@usdoj.gov.* Comments should refer to *United States* v. *Sinclair Wyoming Refining Co., et al.,* Case No. 08cv020–D, and Department of Justice Reference No. 90–5–2–1–07793.

The consent decree may be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the consent decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $36.50 ($.25 per page) payable to the U.S. Treasury.

Robert D. Brook,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 08–265 Filed 1–24–08; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Nasim F. Khan, M.D.; Denial of Application

On June 8, 2007, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Nasim F. Khan, M.D. (Respondent), of Houston, Texas. The Show Cause Order proposed the denial of Respondent's pending application for a DEA Certificate of Registration as a practitioner on two grounds: (1) That she lacked authority under state law to handle controlled substances, and (2) that her ''registration would be inconsistent with the public interest.'' Show Cause Order at 1; *see also* 21 U.S.C. 823(f).

The Show Cause Order specifically alleged that ''[o]n June 26, 2006, [Respondent's] Texas Controlled Substance Registration was terminated,'' and that she was therefore ''not currently authorized by the State of Texas to prescribe, dispense, or otherwise handle controlled substances.'' Show Cause Order at 1. The Show Cause Order further alleged that Respondent had committed acts inconsistent with the public interest because she had ''allowed [her] DEA registration to be used to dispense controlled substances for other than legitimate medical purposes'' and had ''engage[ed] in self-prescribing of controlled substances, in violation of the Texas Controlled Substances Act.'' *Id.*

On June 15, 2007, the Show Cause Order, which also notified Respondent of her right to request a hearing on the allegations, was served on Respondent by Federal Express delivered to her residence. Because: (1) More than thirty days have passed since service of the Show Cause Order, and (2) neither Respondent, nor anyone purporting to represent her, has requested a hearing, I conclude that Respondent has waived her right to a hearing. *See* 21 CFR 1301.43(d). I therefore enter this Final Order without a hearing based on relevant material contained in the

investigative file, *see id.* 1301.43(e), and make the following findings.

Findings

Respondent is a physician with a specialty in psychiatry and pathology. Respondent previously held a DEA Certificate of Registration as a practitioner at the registered location of Houston Medical Clinic, 10881 Richmond Ave., Apt. 412, Houston, Texas. In July 2004, DEA Diversion Investigators with the Houston Field Division received information that Respondent was prescribing promethazine with codeine cough syrup, a schedule V controlled substance, *see* 21 CRR 1308.15(c), to an individual who had been arrested three times by the Houston Police Department for unlawfully possessing controlled substances.

In August 2005, DEA Diversion Investigators (DIs) received information that two unlicensed individuals (F.K. and V.V.), who worked at the Main Medical Clinic (which was located in Jacinto City, Texas), were using Respondent's DEA registration to issue controlled-substance prescriptions for drugs which included Lorcet 10/650 (a branded drug combining hydrocodone and acetaminophen and a schedule III controlled substance, *see* 21 CFR 1308.13(e), Xanax (alprazolam), a schedule IV controlled substance, *see id.* 1308.14(c), and promethazine with codeine cough syrup. *Id.* 1308.15(c). F.K. and V.V. charged $100 for each prescription.

The DIs subsequently went to the clinic and interviewed several people. While the DIs were told that Respondent had terminated her employment at the clinic, they also obtained a stack of prescription carbons. The copies indicated the patient's name, the name of a controlled substance, and Respondent's DEA number. During other interviews, the DIs determined that Respondent had seen only one or two ''patients'' each day, and that most of the clinic's ''patients'' were seen by other people including several foreign graduate students who were not licensed in any field of medical practice. The DIs also confirmed that V.V. had sold a stack of prescriptions, which bore a signature similar to Respondent's, for a large amount of cash.

Thereafter, on August 11, 2005, the DIs interviewed Respondent at the location of a clinic (named the ''45 Clinic'') which she was opening in Houston and for which she needed to change the address of her registered location.[1] During the interview, Respondent stated that she had seen approximately forty patients a day at the Main Medical Clinic and that the cost for a controlled-substance prescription was $80 cash. Respondent further stated that at the clinic, foreign graduate students worked under her supervision and wrote the prescriptions which she then signed. Respondent also stated that she had taken a continuing medical education class in pain management and that the only controlled substances she prescribed were Vicodin, Lorcet, and Lortab.[2]

In the course of the investigation, the DIs had previously determined that Respondent had obtained controlled substances based on 117 prescriptions issued to her under her DEA number. During the interview, Respondent denied that she had self-prescribed and claimed that her son was also a physician and had prescribed the controlled substances for her. Subsequently, the DIs searched the Texas Medical Board's website and found that there was no listing for her son.

The DIs had also previously determined that between January 1, 2004, and August 11, 2005, Respondent had obtained approximately 474 twenty-five ml. bottles of schedule V cough medicines. When asked as to why she had ordered the drugs, Respondent maintained that they were small containers of cough syrup which she used when she was unable to sleep.

While at Respondent's new clinic, the DIs interviewed V.V., the same individual who had been implicated in selling controlled-substance prescriptions at Respondent's former employer. V.V. told the investigators that she had first met Respondent on that very day (when she had purportedly interviewed for a position at the clinic) and that her duties at Respondent's clinic would include scheduling appointments, taking vital signs, and other duties performed by receptionists.

Thereafter, on August 30, 2005, a registration technician changed Respondent's registered location to the address of her new clinic. Approximately three weeks later, on September 19, 2005, Respondent notified a DI that V.V. was using her DEA number to write unauthorized prescriptions for unknown individuals.

Later that day, two DIs interviewed Respondent at her residence. Respondent told the DIs that she had terminated her employment at the Main Medical Clinic because she suspected that its owner was involved in illegal activities. Respondent stated that she had contacted DEA because she had received information that the Corpus Christi, Texas Police Department was looking for her regarding prescriptions she had written. Respondent further stated that during the previous week, she had gone to her new clinic and attempted to retrieve her prescriptions but was told that the pads belonged to the clinic. Respondent added that she had become concerned that someone was using her DEA number to issue prescriptions without her consent. Because of the unauthorized use of her number, Respondent then agreed to voluntarily surrender her DEA registration. She also surrendered her state controlled-substances registration.

On September 30, 2005, Respondent applied for a new registration using the address of the 45 Clinic for her proposed registered location. Several days later, two DIs went to Respondent's residence and attempted to interview her. Upon opening the door, Respondent started screaming at the DIs and stated that they should contact her attorney. When one of the DIs asked Respondent for her attorney's phone number, Respondent stated that she would get the number and slammed the door. Several minutes later, Respondent opened the door, threw a piece of paper at the DI, and stated in a loud voice that ''the White House knew who her father was and that she was his daughter.'' After the DIs told Respondent that they were there to speak to her about her application, Respondent stated that ''there would be no trick or treating here today.'' One of the DIs again asked Respondent whether she had applied for a new registration. Respondent answered ''yes'' and again slammed the door shut.

Thereafter, a local pharmacist notified DEA investigators that on October 3 and 4, he had received two prescriptions which were written under Respondent's DEA number. The pharmacist told the DIs that when he had attempted to verify one the prescriptions, Respondent did not return the call. Respondent, in a subsequent interview, denied issuing the prescriptions.

On January 5, 2006, a detective with the Garland, Texas Police Department notified one of the DIs that numerous prescriptions written under Respondent's former DEA registration had been presented at a local pharmacy. The prescriptions bore the name and address of the Main Medical Clinic, Respondent's former employer.

[1] According to the investigative file, Respondent did not own the clinic.

[2] Respondent also stated that she prescribed Ritalin for her child psychiatric patients who had Attention Deficit Disorder.

Thereafter, on March 28, 2006, an official of the Texas Department of Public Safety (DPS) notified a DI that the State intended to terminate Respondent's state controlled-substances registration. The state official further told the DI that Respondent's application had been erroneously granted because at the time the application was approved, the State was upgrading its computer system and was unable to access her history.

Subsequently, on June 26, 2006, DPS terminated Respondent's state controlled-substances registration on the ground that she was prohibited under the State's rules for re-applying for a period of one year following her surrendering of her state registration. I further find that the State has not re-instated her controlled-substances registration.

I also find that on August 24, 2007, Respondent entered into an Agreed Order with the Texas Medical Board. Under the order, Respondent voluntarily and permanently surrendered her medical license. According to the Texas Medical Board's website, ''[t]he action was based on [Respondent's] failure to meet the standard of care due [to] her non-therapeutic prescription of controlled substances to four patients and to herself.''

Discussion

Section 303(f) of the Controlled Substances Act provides that ''[t]he Attorney General shall register practitioners * * * to dispense * * * controlled substances in schedule II, III, IV, or V, if the applicant is authorized to dispense * * * controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(f). Section 303(f) further provides that ''[t]he Attorney General may deny an application for such registration if he determines that the issuance of such registration would be inconsistent with the public interest.'' *Id.* In making the public interest determination, the Act requires the consideration of the following factors:

(1) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(2) The applicant's experience in dispensing * * * controlled substances.

(3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(4) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health and safety.

Id.

''[T]hese factors are * * * considered in the disjunctive.'' *Robert A. Leslie, M.D.,* 68 FR 15227, 15230 (2003). I ''may rely on any one or a combination of factors, and may give each factor the weight [I] deem[] appropriate in determining whether a registration should be revoked.'' *Id.* Moreover, I am ''not required to make findings as to all of the factors.'' *Hoxie* v. *DEA,* 419 F.3d 477, 482 (6th Cir. 2005); *see also Morall* v. *DEA,* 412 F.3d 165, 173–74 (DC Cir. 2005).

In this case, I conclude that there are two independent grounds for denying Respondent's application. First, Respondent is not currently authorized under Texas law to handle controlled substances and thus does not meet an essential requirement for a registration under the CSA. Second, while it appears that Respondent will not be returning to medical practice anytime soon, her experience in dispensing controlled substances and her record of compliance with applicable laws make clear that granting her a registration ''would be inconsistent with the public interest.'' 21 U.S.C. 823(f).

Under the Controlled Substances Act (CSA), a practitioner must be currently authorized to handle controlled substances in ''the jurisdiction in which [she] practices'' in order to maintain a DEA registration. *See* 21 U.S.C. 802(21) (''[t]he term 'practitioner' means a physician * * * licensed, registered, or otherwise permitted, by * * * the jurisdiction in which he practices * * * to distribute, dispense, [or] administer * * * a controlled substance in the course of professional practice''). *See also id.* section 823(f) (''The Attorney General shall register practitioners * * * if the applicant is authorized to dispense * * * controlled substances under the laws of the State in which he practices.''). Relatedly, DEA has repeatedly held that the CSA requires the revocation of a registration issued to a practitioner who no longer possesses authority under state law to handle controlled substances. *See Sheran Arden Yeates*, 71 FR 39130, 39131 (2006); *Dominick A. Ricci*, 58 FR 51104, 51105 (1993); *Bobby Watts*, 53 FR 11919, 11920 (1988). *See also* 21 U.S.C. 824(a)(3) (authorizing the revocation of a registration ''upon a finding that the registrant * * * has had his State license or registration suspended [or] revoked * * * and is no longer authorized by State law to engage in the * * * distribution [or] dispensing of controlled substances'').

Here, the investigative file establishes that Respondent's Texas controlled-substances registration was terminated on June 26, 2006. Moreover, there is no evidence that the State has issued a new controlled substance registration to her, and the Agreed Order which Respondent entered into with the Texas Medical Board suggests that the State will not grant her a new controlled-substances registration any time soon. Because Respondent is without authority to handle controlled substances in Texas, the State in which she seeks a DEA registration, she does not meet an essential prerequisite for a new DEA registration. Accordingly, her application is denied on that basis. *See* 21 U.S.C. 823(f).

I further note that even if Respondent possessed a state registration, the record would still support the denial of her application on the ground that her registration would be ''inconsistent with the public interest.'' 21 U.S.C. 823(f). As the State found, Respondent has engaged in the non-therapeutic prescription of controlled substances both to herself and others.

With respect to her self-prescribing, the record establishes that Respondent issued to herself 117 prescriptions for narcotic-cough syrups, which are schedule V controlled substances. The record further establishes that Respondent's statements to investigators that the prescriptions were issued to her by her son, and that her son was a physician, were false.

Moreover, there is also substantial and disturbing evidence that Respondent failed to exercise proper control over her prescriptions pads and allowed unlicensed and un-registered individuals at the Main Medical Clinic to write prescriptions under her DEA registration. This conduct violates federal law and regulations, which require that a prescription be ''issued for a legitimate medical purpose by an individual practitioner acting in the usual course of [her] professional practice,'' 21 CFR 1306.04(a), and that each person writing a prescription be ''[a]uthorized to prescribe controlled substances by the jurisdiction in which he is licensed to practice his profession and * * * [e]ither registered or exempted from registration.'' *Id.* § 1306.03(a). Accordingly, even if Respondent held a state registration, her abysmal experience in dispensing controlled substances and her record of non-compliance with federal and state laws related to controlled substances would nonetheless require the denial of her application.

Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f), as well as 28 CFR 0.100(b) & 0.104, I order that the application of Nasim F. Khan, M.D., for

a DEA Certificate of Registration as a practitioner be, and it hereby is, denied. This order is effective February 25, 2008.

Dated: January 17, 2008.

Michele M. Leonhart,

Deputy Administrator.

[FR Doc. E8–1241 Filed 1–24–08; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

January 18, 2008.

The Department of Labor (DOL) hereby announces the submission of the following public information collection requests (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of each ICR, with applicable supporting documentation; including among other things a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAMain* or by contacting Darrin King on 202–693–4129 (this is not a toll-free number)/e-mail: *king.darrin@dol.gov.*

Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, Attn: Bridget Dooling, OMB Desk Officer for the Employment Standards Administration (ESA), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–7316/Fax: 202–395–6974 (these are not toll-free numbers), E-mail: *OIRA_submission@omb.eop.gov* within 30 days from the date of this publication in the **Federal Register**. In order to ensure the appropriate consideration, comments should reference the OMB Control Number (see below).

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Employment Standards Administration.

Type of Review: Extension without change of currently approved collection.

Title: Certification of Funeral Expenses.

OMB Control Number: 1215–0027.

Form Number: LS–265.

Estimated Number of Respondents: 195.

Total Estimated Annual Burden Hours: 49.

Total Estimated Cost Burden: $86.

Affected Public: Private Sector: Business or other for-profits.

Description: The Form LS–265 is used to report funeral expenses payable under section 9(a) of the Longshore and Harbor Workers' Act [33 U.S.C. 909].

Agency: Employment Standards Administration.

Type of Review: Revision of currently approved collection.

Title: Comparability of Current Work to Coal Mine Employment.

OMB Control Number: 1215–0056.

Form Numbers: CM–913 (the Forms CM–918 and CM–1093 are being discontinued).

Estimated Number of Respondents: 1,350.

Total Estimated Annual Burden Hours: 675.

Total Estimated Cost Burden: $594.

Affected Public: Individuals or households.

Description: Once a miner has been identified as having performed non-coal mine work subsequent to coal mine employment, the miner or the miner's survivor is asked to complete a Form CM–913. The Form is used to compare the physical demands of the miner's coal mine work with last or current non-coal mine work. This employment information, together with medical information, is used to establish whether the miner is totally disabled due to black lung disease caused by coal mine employment, a criterion for entitlement of benefits. Information collected on the Form CM–913 helps DOL to determine if the miner has or had a reduced ability to perform his usual and customary coal mine work. The Black Lung Benefits Act, as amended, 30 U.S.C. 901 *et. seq.* and 20 CFR 718.204(b)(1) necessitate the collection of this information.

Darrin A. King,

Acting Departmental Clearance Officer.

[FR Doc. E8–1291 Filed 1–24–08; 8:45 am]

BILLING CODE 4510–CK–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) number and alternative trade adjustment assistance (ATAA) by (TA–W) number issued during the period of January 7 through January 11, 2008.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. The sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. Increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. There has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. The country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. There has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made for secondarily affected workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

3. The competitive conditions within the workers' industry (i.e., conditions within the industry are adverse).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

None.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production) of the Trade Act have been met.

TA–W–62,531; Nova Measuring Instruments, Inc., Microstructure Division, Also known as Hypernex, State College, PA: November 20, 2006.

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

None.

The following certifications have been issued. The requirements of Section 222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA based on increased imports from or a shift in production to Mexico or Canada) of the Trade Act have been met.

None.

Affirmative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA–W–62,342; Georgia Pacific West, Inc., Consumer Products Division, Bellingham, WA: October 19, 2006.

TA–W–62,480; Carrier Corporation, Residential Products Division, Collierville, TN: November 16, 2006.

TA–W–62,484; Halmode Apparel, A Division of Kellwood Company, New York, NY: November 4, 2007.

TA–W–62,495; Telex Communications, Inc., Blue Earth Manufacturing Facility, Blue Earth, MN: December 6, 2007.

TA–W–62,505; Spring Global US, Inc., Charles D. Owen Manufacturing Div., Leased Workers form Diversco, Swannanoa, NC: February 1, 2008.

TA–W–62,540; Culp, Inc., Corporate Headquarters, High Point, NC: June 17, 2007.

TA–W–62,562; Innovision Technologies, Inc., On-Site at Ford Motor Co., Product Development and Engineering Center, Dearborn, MI: December 6, 2006.

TA–W–62,591; Miss Elaine, Inc., Ste. Genevieve, MO: March 11, 2007.

TA–W–62,652; The Quill Company, Inc., Cranston, RI: January 7, 2007.

TA–W–62,152; Ohio Valley Aluminum Company, LLC, A Subsidiary of Interlock Industries, On-Site Leased Workers form Callos Co., Niles, OH: September 10, 2006.

TA–W–62,351; Black and Decker Consumer Products, Pressure Washer Division, On-Site Leased Workers from People Link, Decatur, AR: October 23, 2006.

TA–W–62,587; Deluxe Media Services LLC, Vernon Hills, IL: December 16, 2006.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA–W–62,177; ASF Keystone, Inc., A Division of Amsted, Granite City, IL: September 20, 2006.

TA–W–62,485; Mountain Surf, Inc., Friendsville, MD: November 19, 2006.

TA–W–62,520; Carrier Access Corporation, Boulder, CO: November 27, 2006.

TA–W–62,579; Durham Manufacturing Company, Metal Storage Bin Department, Durham, CT: December 14, 2006.

TA–W–62,596; First Inertia Switch Ltd., Grand Blanc, MI: July 13, 2007.

TA–W–62,628; Holcim (US), Inc., Weirton, WV: December 26, 2006.

TA–W–62,075; Bay Area News Group East Bay, LLC, Subsidiary of California Newspaper Partnership, Formerly Alameda Newspaper Group, Pleasanton, CA: August 23, 2006.

TA–W–62,075A; Bay Area News Group East Bay, LLC, Subsidiary of California Newspaper Partnership, Formerly Alameda Newspaper Group, Oakland, CA: August 23, 2006.

TA–W–62,075B; Bay Area News Group East Bay, LLC, Subsidiary of California Newspaper Partnership,

Formerly Contra Costa Newspaper, Walnut Creek, CA: August 23, 2006.

TA–W–62,075C; Bay Area News Group East Bay, LLC, Subsidiary of California Newspaper Partnership, Formerly Alameda Newspaper Group, San Mateo, CA: August 23, 2006.

TA–W–62,075D; Bay Area News Group East Bay, LLC, Subsidiary of California Newspaper Partnership, Formerly Alameda Newspaper Group, Premont, CA: August 23, 2006.

TA–W–62,487; Tru Die Cast Corporation, New Troy, MI: November 9, 2006.

TA–W–62,640; Parker Hannifin Corporation, Techseal Division, On-Site Leased Workers From Manpower, Wilson, NC: January 4, 2007.

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

None.

The following certifications have been issued. The requirements of Section 222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA based on increased imports from or a shift in production to Mexico or Canada) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

None.

Negative Determinations for Alternative Trade Adjustment Assistance

In the following cases, it has been determined that the requirements of 246(a)(3)(A)(ii) have not been met for the reasons specified.

The Department has determined that criterion (1) of Section 246 has not been met. The firm does not have a significant number of workers 50 years of age or older.

TA–W–62,531; Nova Measuring Instruments, Inc., Microstructure Division, Also known as Hypernex, State College, PA

The Department has determined that criterion (2) of Section 246 has not been met. Workers at the firm possess skills that are easily transferable.

None.

The Department has determined that criterion (3) of Section 246 has not been met. Competition conditions within the workers' industry are not adverse.

None.

Negative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

Because the workers of the firm are not eligible to apply for TAA, the workers cannot be certified eligible for ATAA.

The investigation revealed that criteria (a)(2)(A)(I.A.) and (a)(2)(B)(II.A.) (employment decline) have not been met.

TA–W–62,600; OSRAM Sylvania Products, Inc., Waldoboro, ME

The investigation revealed that criteria (a)(2)(A)(I.B.) (Sales or production, or both, did not decline) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

None.

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

None.

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

None.

The investigation revealed that criteria of Section 222(b)(2) has not been met. The workers' firm (or subdivision) is not a supplier to or a downstream producer for a firm whose workers were certified eligible to apply for TAA.

TA–W–62,443; Booth Electrosystems, Inc., Systems Department, Greenville, SC.

I hereby certify that the aforementioned determinations were issued during the period of January 7 through January 11, 2008. Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: January 17, 2008.

Ralph Dibattista,

Director, Division of Trade Adjustment Assistance.

[FR Doc. E8–1282 Filed 1–24–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–62,506]

Dielink International, Grand Rapids, MI; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on November 29, 2007, in response to a petition filed by a company official on behalf of workers of Dielink International, Grand Rapids, Michigan.

The worker group is covered by an active certification (TA–W–62,043, as amended), which expires September 17, 2009. Consequently, further investigation would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 14th day of January 2008

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–1286 Filed 1–24–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–62,527]

Development, Grand Rapids, MI; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on December 3, 2007, in response to a petition filed by a company official on behalf of workers of Development, Grand Rapids, Michigan.

The worker group is covered by an active certification (TA–W–62,043, as amended), which expires September 17, 2009. Consequently, further investigation would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 14th day of January 2008.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–1288 Filed 1–24–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–62,381]

3M, Electronic Solutions Division, Including On-Site Leased Workers of Volt, Manpower, Aramark, ISS Facility Services, Smith Micro Technologies, Per-Mar Security, B&B Electric, and Market and Johnson Eau Claire, Wisconsin; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on December 4, 2007, applicable to workers of 3M, Electronic Solutions Division, including on-site leased workers of Volt and Manpower, Eau Claire, Wisconsin. The notice was published in the **Federal Register** on December 19, 2007 (72 FR 71964).

At the request of a company official, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of organic interconnect substrates for electronic components.

New information shows that leased workers of Aramark, ISS Facility Services, Smith Micro Technologies, Per-Mar Security, B&B Electric, and Market and Johnson were employed on-site at the Eau Claire, Wisconsin location of 3M, Electronic Solutions Division. The Department has determined that these workers were sufficiently under the control of 3M, Electronic Solutions Division to be considered leased workers.

Based on these findings, the Department is amending this certification to include leased workers of Aramark, ISS Facility Services, Smith Micro Technologies, Per-Mar Security, B&B Electric, and Market and Johnson working on-site at the Eau Claire, Wisconsin location of the subject firm.

The intent of the Department's certification is to include all workers employed at 3M, Electronic Solutions Division, Eau Claire, Wisconsin who were adversely-impacted by increased customer imports of organic interconnect substrates for electronic components.

The amended notice applicable to TA–W–62,381 is hereby issued as follows:

''All workers of 3M Eau Claire, Electronic Solutions Division, including on-site leased workers of Volt, Manpower, Aramark, ISS Facility Services, Smith Micro Technologies, Per-Mar Security, B&B Electric, and Market and Johnson, Eau Claire, Wisconsin, who became totally or partially separated from employment on or after October 30, 2006, through December 4, 2009, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.''

Signed at Washington, DC, this 17th day of January 2008.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–1285 Filed 1–24–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than February 4, 2008.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than February 4, 2008.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C–5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 18th day of January 2008.

Ralph DiBattista,

Director, Division of Trade Adjustment Assistance.

APPENDIX

[TAA Petitions instituted between 1/7/08 and 1/11/08]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
62637	Arcelor Mittal USA Weirton, Inc. (formerly Mittal ISG Weirton) (Wkrs).	Weirton, WV	01/07/08	01/02/08
62638	Thomasville Furniture Industries (Comp)	Thomasville, NC	01/07/08	01/03/08
62639	Bombardier Transportation (Wkrs)	Pittsburgh, PA	01/07/08	12/31/07
62640	Parker Hannifin Corporation (Comp)	Wilson, NC	01/07/08	01/04/08
62641	Hitachi Global Storage Technologies, Inc. (Wkrs)	San Jose, CA	01/07/08	12/18/07
62642	North State Industries (State)	Nevis, MN	01/07/08	01/04/08
62643	Tri Source Inc (Comp)	Shelton, CT	01/08/08	01/05/08
62644	DC Safety (Comp)	Hauppauge, NY	01/08/08	01/04/08
62645	Spotless Enterprises Inc. (Comp)	Asheville, NC	01/08/08	01/07/08
62646	Pfizer Company (Wkrs)	Portage, MI	01/09/08	01/07/08

APPENDIX—Continued

[TAA Petitions instituted between 1/7/08 and 1/11/08]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
62647	Honeywell (Union)	Greenville, OH	01/09/08	01/08/08
62648	Trio Manufacturing Company (Comp)	Forsyth, GA	01/09/08	01/08/08
62649	A&R Machine Company, Inc. (Comp)	East Sparta, OH	01/09/08	12/14/07
62650	Crane Vitreous China Plant (Comp)	Hondo, TX	01/09/08	12/13/07
62651	Alcoa (State)	Frederick, MD	01/09/08	01/08/08
62652	The Quill Company, Inc. (Comp)	Cranston, RI	01/09/08	01/07/08
62653	RF Micro Devices (State)	Broomfield, CO	01/09/08	01/07/08
62654	Leggett and Platt/Design Fabricators (Comp)	Thornton, CO	01/09/08	01/04/08
62655	Warp Processing Inc. (Wkrs)	Exeter, PA	01/10/08	01/09/08
62656	Saint Gobain Abrasives (Comp)	Littleton, NH	01/10/08	01/09/08
62657	Plum Creek Evergreen Sawmill and Reman (Comp)	Kalispell, MT	01/10/08	01/09/08
62658	Milwaukee Electric Tool Corporation (Comp)	Jackson, MS	01/10/08	01/09/08
62659	Richloom Home Fashions (Wkrs)	Clinton, SC	01/10/08	01/07/08
62660	Interface Inc. (Wkrs)	Elkin, NC	01/10/08	01/04/08
62661	Agilent Technologies (Comp)	Loveland, CO	01/11/08	01/10/08
62662	Pentair Electronic Packaging (Comp)	Des Plaines, IL	01/11/08	01/09/08
62663	C and D Technologies (Rep)	Conyers, GA	01/11/08	01/09/08
62664	Catawba Valley Finishing, LLC (Wkrs)	Newton, NC	01/11/08	01/10/08
62665	Chemcraft Systems, LLC (Comp)	Cullman, AL	01/11/08	01/10/08
62666	Wentworth Corporation (Comp)	Madison, NC	01/11/08	01/10/08
62667	Gold Toe Moretz, LLC (Comp)	Burlington, NC	01/11/08	01/09/08
62668	Conrad Forest Products (Comp)	North Bend, OR	01/11/08	01/10/08

[FR Doc. E8–1281 Filed 1–24–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–62,525]

Magna Donnelly Engineered Glass, Holland, MI; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on December 3, 2007 in response to a worker petition filed by a company official on behalf of workers at Magna Donnelly Engineered Glass, Holland, Michigan.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 17th day of January 2008.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–1287 Filed 1–24–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–62,271]

Ravenswood Specialty Services, Inc., Ravenswood, WV; Notice of Negative Determination Regarding Application for Reconsideration

By application dated November 29, 2007, the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (the Union) requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of Ravenswood Specialty Services, Inc., Ravenswood, West Virginia (subject firm) to apply for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA). The negative determination was issued on October 18, 2007. The Department's Notice of determination was published in the **Federal Register** on October 31, 2007 (72 FR 61686). Workers produce nylon polymer and Minlon, and are not separately identifiable by related article.

The petition was denied because the subject firm did not shift production to a foreign country, the subject firm did not import nylon polymer or Minlon, and the subject firm's major declining customer did not import nylon polymer or Minlon during the relevant period.

In the request for reconsideration, the Union stated that ''the workers' separations are due to foreign imports and a shift of production to a foreign country. We are in the process of gathering further information to help support this position and will forward it to your office as soon as possible.''

Pursuant to 29 CFR 90.18(c), administrative reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) if in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The Union did not supply facts not previously considered; nor provide additional documentation indicating that there was either (1) a mistake in the determination of facts not previously considered or (2) a misinterpretation of facts or of the law justifying reconsideration of the initial determination.

After careful review of the request for reconsideration, the Department determines that 29 CFR 90.18(c) has not been met.

Conclusion

After review of the application and investigative findings, I conclude that

there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC this 16th day of January 2008.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–1284 Filed 1–24–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–62,043]

Synergis Technologies Group Corporation, Dielink International Development; Including On-Site Leased Workers from Forge Industrial Staffing, All Performance Staffing and Aerotek Grand Rapids, Michigan; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on September 17, 2007, applicable to workers of Synergis Technologies Group Corporation, including on-site leased workers from Forge Industrial Staffing, and All Performance Staffing, Grand Rapids, Michigan. The notice was published in the **Federal Register** on October 3, 2007 (72 FR 56385).

At the request of petitioners, a company official and a state agency representative, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the production of metal stamping dies.

New information provided by the company shows that the worker group includes those employees of Synergis Technologies Group Corporation divisions known as Dielink International and Dievelopment. These two divisions are located at different street addresses in Grand Rapids, but are engaged in employment related to the production of metal stamping dies. Furthermore, the Unemployment Insurance (UI) wage account for these divisions is reported under Synergis Technologies Group Corporation. The company official also confirms that the worker group includes on-site leased workers from Aerotech. The Department has determined that the Aerotech workers were sufficiently under the control of Synergis Technologies Group Corporations.

Based on these findings, the Department is amending this certification to include workers of Dielink International, Dievelopment, and workers from Aerotek working on-site at the Grand Rapids, Michigan locations of the subject firm.

The intent of the Department's certification is to include all workers employed at Synergis Technologies Group Corporation, Grand Rapids, Michigan who were adversely-impacted by a shift in production of metal stamping dies to China.

The amended notice applicable to TA–W–62,043 is hereby issued as follows:

''All workers of Synergis Technologies Group Corporation, Dietech International and Dievelopment, Grand Rapids, Michigan, including on-site leased workers from Forge Industrial Staffing, All Performance Staffing and Aerotek, who became totally or partially separated from employment on or after August 24, 2006, through September 17, 2009, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.''

Signed at Washington, DC, this 14th day of January 2008.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–1283 Filed 1–24–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–62,616]

Weyerhaeuser Longview Lumber, Longview, WA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on December 31, 2007 in response to a petition filed by the International Association of Machinists and Aerospace Workers-Woodworkers, Local W–536 on behalf of workers at Weyerhaeuser Longview Lumber, Longview, Washington.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 17th day of January, 2008.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–1280 Filed 1–24–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of petitions for modification of existing mandatory safety standards.

SUMMARY: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and 30 CFR Part 44 govern the application, processing, and disposition of petitions for modification. This notice is a summary of petitions for modification filed by the parties listed below to modify the application of existing mandatory safety standards published in Title 30 of the Code of Federal Regulations.

DATES: All comments on the petitions must be received by the Office of Standards, Regulations, and Variances on or before February 25, 2008.

ADDRESSES: You may submit your comments, identified by ''docket number'' on the subject line, by any of the following methods:

1. *Electronic mail: Standards-Petitions@dol.gov.*

2. *Facsimile:* 1–202–693–9441.

3. *Regular Mail:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2349, Arlington, Virginia 22209, Attention: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances.

4. *Hand-Delivery or Courier:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2349, Arlington, Virginia 22209, Attention: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances.

We will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments. Individuals who submit comments by hand-delivery are required to check in at the receptionist desk on the 21st floor.

Individuals may inspect copies of the petitions and comments during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: Edward Sexauer, Chief, Regulatory Development Division at 202–693–9444 (Voice), *sexauer.edward@dol.gov* (E-mail), or 202–693–9441 (Telefax), or contact Barbara Barron at 202–693–9447 (Voice), *barron.barbara@dol.gov* (E-mail), or 202–693–9441 (Telefax). [These are not toll-free numbers].

SUPPLEMENTARY INFORMATION:

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary determines that: (1) An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or (2) that the application of such standard to such mine will result in a diminution of safety to the miners in such mine. In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modifications.

II. Petitions for Modification

Docket Number: M–2007–069–C.

Petitioner: Cumberland River Coal Company, Pardee Complex, P.O. Drawer 109, Appalachia, Virginia 24216.

Mine: Dogwood #2 Mine, MSHA I.D. No. 44–07018, located in Wise County, Virginia.

Regulation Affected: 30 CFR 77.214(a) (Refuse piles; general).

Modification Request: The petitioner proposes to place refuse rock from preparation plant operations over the abandoned portals of the Old Dominion Energy, Inc., Dogwood #2 Mine and is requesting modification of the existing standard to allow extension of refuse site 1211–VA5–0286–82 to that area. The petitioner states that: (1) Modification of the existing standard would not jeopardize the safety of the miners at the mine or the disposal area; (2) no miners have been working in the mine since it has been abandoned; (3) there are four mine openings in the area planned for placement of refuse rock; (4) the openings are in the Low Split D seam at an elevation of 2,460 feet; and (5) the site is lower in elevation than the mine openings. The petitioner has listed in this petition specific steps that will be followed when sealing the abandoned mine openings in preparation for placement of refuse rock. Persons may review a complete description of the proposed steps and procedures at the MSHA address listed in the notice. The petitioner asserts that the proposed preparation for refuse rock placement will maintain the same level of safety as the existing standard.

Docket Number: M–2007–070–C.

Petitioner: White County Coal, LLC, P.O. Box 457, Carmi, Illinois 62821.

Mine: Pettiki Mine, MSHA I.D. No. 11–03058, located in White County, Illinois.

Regulation Affected: 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 30 CFR 18.35 (Portable (trailing) cables and cords).

Modification Request: The petitioner requests a modification of the existing standard to increase the maximum length of cables supplying power to permissible equipment used in continuous mining sections. The petitioner states that: (1) This petition will only apply to trailing cables supplying three-phase, 995-volt power to continuous mining machines and trailing cables supplying three-phase, 480-volt power to roof bolters; (2) the maximum length of the 995-volt continuous mining machine trailing cables will be 950 feet and the maximum length of the 480-volt trailing cables for roof bolters will be 900 feet; (3) 995-volt continuous mining machine trailing cables will not be smaller than 2/0 and the 480-volt trailing cables for roof bolters will not be smaller than #2 American Wire Gauge (AWG); (4) all circuit breakers used to protect 2/0 trailing cables exceeding 850 feet in length will have instantaneous trip units calibrated to trip at 1,500 amperes and the trip setting will be sealed or locked and will have permanent legible permanent labels that will be maintained as legible to identify the circuit breaker as being suitable for protecting 2/0 cables; (5) replacement instantaneous trip units, used to protect 2/0 trailing cables, will be calibrated to trip at 1,500 amperes and the setting will be sealed or locked; (6) all circuit breakers used to protect #2 AWG trailing cables exceeding 700 feet in length will have instantaneous trip units calibrated to trip at 800 amperes, the trip setting will be sealed or locked, and the circuit breakers will have permanent legible labels that will be maintained as legible to identify the circuit breakers as being suitable for protecting #2 AWG cables; (7) replacement instantaneous trip units used to protect #2 AWG trailing cables will be calibrated to trip at 800 amperes and the setting will be sealed or locked; (8) the designated operator will visually examine the trailing cables during each production day to ensure that the cables are operating safely and the instantaneous settings of the calibrated breakers do not have seals or locks removed and do not exceed the stipulated settings; (9) any trailing cable that is not in safe operating condition will be removed from service immediately and repaired or replaced; and (10) splices or repairs shall be workmanlike, in accordance with manufacturer's instructions and 30 CFR 75.603 and 75.604. Persons may review a complete description of petitioner's alternative method and procedures at the MSHA address listed in the notice. The petitioner states that the alternative method will not be implemented until miners designated to examine the integrity of the seals or locks verify the short-circuit settings, and proper procedures training have been provided for examining trailing cables for defects and damage. The petitioner further states that the miners will be trained in the terms and conditions of the Proposed Decision and Order, and within 60 days the petitioner will submit revisions of its Part 48 training plan to the District Manager that includes task training to comply with the final order. The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection to the miners.

Docket Number: M–2007–071–C.

Petitioner: Independence Coal Company.

Mine: Allegiance Mine, MSHA I.D. No. 46–08735, located in Boone County, West Virginia.

Regulation Affected: 30 CFR 75.1002 (Installation of electric equipment and conductors; permissibility).

Modification Request: The petitioner requests a modification of the existing standard to permit the use of a 2400-volt power center to power a continuous miner with high-voltage trailing cable inby the last open crosscut and within 150 feet of pillar workings. The petitioner has listed in this petition specific steps that will be followed. Persons may review a complete description of the proposed steps and procedures at the MSHA address listed in this notice. The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded the miners at the mine by the existing standard.

Docket Number: M–2007–072–C.

Petitioner: Harlan-Cumberland Coal Company, LLC, P.O. Box 269, Grays Knob, Kentucky 40829.

Mine: Totz Preparation Plant, MSHA I.D. No. 15–10657, and Coarse Coal Refuse Fill #1, located in Harlan County, Kentucky.

Regulation Affected: 30 CFR 77.214 (Refuse piles; general).

Modification Request: The petitioner requests a modification of the existing standard to permit coarse refuse fill to be constructed over abandoned underground mine openings because the mines are abandoned and all reserves in these mines have been depleted. The petitioner states that: (1) There are no safety issues that might affect any underground miners; (2) surface workers at the coal preparation plant will be protected by clearly identifying the openings and insuring that the openings are sealed and/or provided drainage. The petitioner further states that: (1) The openings at issue have been abandoned since as early as the mid-1900's and as late as the late 1990's and represent no threat to underground miners because all of the affected mine workings/openings are abandoned; (2) there are no active underground mine workings above or below the abandoned coal seams in this area; and (3) there are no active workings within 2,000 feet of the coarse refuse fill. The petitioner asserts that the proposed alternative method will achieve and guarantee the same measure of protection afforded by the standard.

Dated: January 17, 2008.

Jack Powasnik,

Deputy Director, Office of Standards, Regulations, and Variances.

[FR Doc. E8–1309 Filed 1–24–08; 8:45 am]

BILLING CODE 4510–43–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 08–010]

Notice of Information Collection

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3506(c)(2)(A)).

DATES: All comments should be submitted within 60 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Dr. Walter Kit, National Aeronautics and Space Administration, Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Dr. Walter Kit, NASA PRA Officer, NASA Headquarters, 300 E Street SW., JE0000, Washington, DC 20546, (202) 358–1350, *Walter.Kit-1@nasa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Contractors performing research and development are required by statutes, NASA implementing regulations, and OMB policy to submit reports of inventions, patents, data, and copyrights, including the utilization and disposition of same. The NASA New Technology Summary Report reporting form is being used for this purpose.

II. Method of Collection

NASA FAR Supplement clauses for patent rights and new technology encourage the contractor to use an electronic form and provide a hyperlink to the electronic New Technology Reporting Web (eNTRe) site *http://invention.nasa.gov.* This website has been set up to help NASA employees and parties under NASA funding agreements (*i.e.*, contracts, grants, cooperative agreements, and subcontracts) to report new technology information directly, via a secure Internet connection, to NASA.

III. Data

Title: NASA FAR Supplement, Part 1827, Patents, Data, and Copyrights.

OMB Number: 2700–0052.

Type of review: Extension of a currently approved collection.

Affected Public: Business or other for-profit, not-for-profit institutions, Federal Government, and State, Local or Tribal Government.

Estimated Number of Respondents: 1016.

Estimated Time Per Response: 0.166 hour.

Estimated Total Annual Burden Hours: 3,391.

Estimated Total Annual Cost: $0.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Gary Cox,

Executive Officer.

[FR Doc. E8–1338 Filed 1–24–08; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 08–011]

Notice of Information Collection

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3506(c)(2)(A)).

DATES: All comments should be submitted within 60 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Dr. Walter Kit, National Aeronautics and Space Administration, Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Dr. Walter Kit, NASA PRA Officer, NASA Headquarters, 300 E Street SW., JE0000, Washington, DC 20546, (202) 358–1350, *Walter.Kit-1@nasa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Grantees and cooperative agreement partners are required to submit new technology reports indicating new inventions and patents.

II. Method of Collection

Grant recipients are encouraged to use information technology to prepare patent reports through a hyperlink to the electronic New Technology Reporting Web (eNTRe) site *http://*

invention.nasa.gov. This website has been created to help NASA employees and parties under NASA funding agreements (i.e., contracts, grants, cooperative agreements, and subcontracts) to report new technology and patent notification directly, via a secure Internet connection, to NASA.

III. Data

Title: Patents—Grants and Cooperative Agreements.

OMB Number: 2700–0048.

Type of review: Extension of currently approved collection.

Affected Public: Business or other for-profit, not-for-profit institutions, Federal Government, and State, Local or Tribal Government.

Estimated Number of Respondents: 5451.

Estimated Time per Response: 4,361 negative responses/0.166 Hour, 1090 responses/8 Hours.

Estimated Total Annual Burden Hours: 9,444.

Estimated Total Annual Cost: $0.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Gary Cox,

Executive Officer.

[FR Doc. E8–1340 Filed 1–24–08; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (08–009)]

Aerospace Safety Advisory Panel; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announce a forthcoming meeting of the Aerospace Safety Advisory Panel.

DATES: Wednesday, 1 p.m. to 3 p.m. Eastern Daylight Time.

ADDRESSES: 100 Spaceport Way, Cape Canaveral, FL 32920 (Florida Space Authority).

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Dakon, Aerospace Safety Advisory Panel Executive Director, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358–0732.

SUPPLEMENTARY INFORMATION: The Aerospace Safety Advisory Panel will hold its 1st Quarterly Meeting for 2008. This discussion is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on those program activities, systems, procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight.

The agenda will include Safety Organization and Management, Human Capital, and Constellation Program Safety.

The meeting will be open to the public up to the seating capacity of the room. Seating will be on a first-come basis. Please contact Ms. Susan Burch on (202) 358–0550 at least 48 hours in advance to reserve a seat. Visitors will be requested to sign a visitor's register.

Photographs will only be permitted during the first 10 minutes of the meeting. During the first 30 minutes of the meeting, members of the public may make a 5-minute verbal presentation to the Panel on the subject of safety in NASA. To do so, please contact Ms. Susan Burch on (202) 358–0914 at least 48 hours in advance. Any member of the public is permitted to file a written statement with the Panel at the time of the meeting. Verbal presentations and written comments should be limited to the subject of safety in NASA.

Dated: January 17, 2008.

P. Diane Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. E8–1267 Filed 1–24–08; 8:45 am]

BILLING CODE 7510–13–P

NUCLEAR REGULATORY COMMISSION

Entergy Nuclear Fitzpatrick, LLC, and Entergy Nuclear Operations, Inc., James A. Fitzpatrick Nuclear Power Plant; Notice of Availability of the Final Supplement 31 to the Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Regarding the License Renewal of James A. Fitzpatrick Nuclear Power Plant, Docket No. 50–333

Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC, Commission) has published a final site-specific supplement to the ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants (GEIS),'' NUREG–1437, regarding the renewal of operating license DPR–59 for an additional 20 years of operation for the James A. FitzPatrick Nuclear Power Plant (JAFNPP). JAFNPP is located on Lake Ontario in Oswego County, approximately seven miles northeast of the City of Oswego, New York. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources.

As discussed in Section 9.3 of the final Supplement 31, based on: (1) The analysis and findings in the GEIS; (2) the Environmental Report submitted by Entergy Nuclear FitzPatrick, LLC, and Entergy Nuclear Operations, Inc.; (3) consultation with Federal, State, and local agencies; (4) the NRC staff's own independent review; and (5) the NRC staff's consideration of public comments, the recommendation of the staff is that the Commission determine that the adverse environmental impacts of license renewal for JAFNPP are not so great that preserving the option of license renewal for energy-planning decision makers would be unreasonable.

The final Supplement 31 to the GEIS is publicly available at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, or from the NRC's Agencywide Documents Access and Management System (ADAMS).

The ADAMS Public Electronic Reading Room is accessible at *http://adamswebsearch.nrc.gov/dologin.htm.* The Accession Number for the final Supplement 31 to the GEIS is ML080170183. Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the NRC's PDR reference staff by telephone at 1–800–397–4209, or 301–415–4737, or by e-mail at *pdr@nrc.gov.* In addition, the libraries: Penfield Library SUNY,

7060 State Route 104, Oswego, New York 13126 and Oswego Public Library, 140–142 East Second Street, Oswego, New York 13126 have agreed to make the final supplement to the GEIS available for public inspection.

For Further Information Contact: Ms. Jessie M. Muir, Projects Branch 2, Division of License Renewal, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Mail Stop O–11F1, Washington, DC 20555–0001. Ms. Muir may be contacted by telephone at 1–800–368–5642, extension 0491 or via e-mail at *jmm7@nrc.gov.*

Dated at Rockville, Maryland, this 18th day of January 2008.

For the Nuclear Regulatory Commission.

Bo Pham,

Acting Branch Chief, Projects Branch 2, Division of License Renewal, Office of Nuclear Reactor Regulation.

[FR Doc. E8–1290 Filed 1–24–08; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–9073]

Notice of License Application Request of Energy Metals Corporation, Casper, WY and Opportunity To Request a Hearing

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of license application, and opportunity to request a hearing.

DATES: A request for a hearing must be filed by March 25, 2008.

FOR FURTHER INFORMATION CONTACT: Paul Michalak, Hydrogeologist, Uranium Recovery Licensing Branch, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC, 20555. Telephone: (301) 415–7612; fax number: (301) 415–5955; e-mail: *pxm2@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

By letter dated October 2, 2007, Energy Metals Corporation—US (EMC), submitted a Source Materials License Application to the Nuclear Regulatory Commission (NRC) for the Moore Ranch Uranium Project in Campbell County, Wyoming. The Moore Ranch Uranium Project would involve the recovery of uranium by in situ leach (ISL) extraction techniques.

An NRC administrative review, documented in a letter to EMC dated December 20, 2007, found the application acceptable to begin a technical review (Adams Accession No. ML073511649). Before approving the license application, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations.

These findings will be documented in a Safety Evaluation Report (SER) and a site-specific environmental review consistent with the provisions of 10 CFR Part 51.

II. Opportunity to Request a Hearing

The NRC hereby provides notice that this is a proceeding on an application for a source materials license regarding EMC's proposal to construct and operate the Moore Ranch Uranium Project ISL uranium extraction facility in Campbell County, Wyoming. Any person whose interest may be affected by this proceeding, and who desires to participate as a party, must file a request for a hearing and a specification of the contentions which the person seeks to have litigated in the hearing, in accordance with the NRC E-Filing rule, which the NRC promulgated in August 2007, 72 FR 49139 (Aug. 28, 2007). The E-Filing rule requires participants to submit and serve documents over the internet or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least five (5) days prior to the filing deadline, the petitioner/requester must contact the Office of the Secretary by e-mail at *HEARINGDOCKET@NRC.GOV*, or by calling (301) 415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances in which the petitioner/requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each petitioner/requester will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at *http://www.nrc.gov/site-help/e-submittals/install-viewer.html.* Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.*

Once a petitioner/requester has obtained a digital ID certificate, has a docket created, and downloaded the EIE viewer, it can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the filer submits its documents through EIE. To be timely, an electronic filing must be submitted to the EIE system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically may seek assistance through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html*, or by calling the NRC technical help line, which is available between 8:30 a.m. and 4:15 p.m., Eastern Time, Monday through Friday. The help line number is (800) 397–4209 or locally, (301) 415–4737.

Participants who believe that they have good cause for not submitting documents electronically must file a motion, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this

manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request should be granted and/or the contentions should be admitted based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)-(viii). To be timely, filings must be submitted no later than 11:59 p.m. Eastern Time on the due date.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd.nrc.gov/EHD_Proceeding/home.asp*, unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include social security numbers in their filings. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submissions.

The formal requirements for documents contained in 10 CFR 2.304(c)–(e) must be met. If the NRC grants an electronic document exemption in accordance with 10 CFR 2.302(g)(3), then the requirements for paper documents, set forth in 10 CFR 2.304(b) must be met.

In accordance with 10 CFR 2.309(b), a request for a hearing must be filed by March 25, 2008.

In addition to meeting other applicable requirements of 10 CFR 2.309, a request for a hearing filed by a person other than an applicant must state:

1. The name, address, and telephone number of the requester;

2. The nature of the requester's right under the Act to be made a party to the proceeding;

3. The nature and extent of the requester's property, financial, or other interest in the proceeding;

4. The possible effect of any decision or order that may be issued in the proceeding on the requester's interest; and

5. The circumstances establishing that the request for a hearing is timely in accordance with 10 CFR 2.309(b).

In accordance with 10 CFR 2.309(f)(1), a request for hearing or petitions for leave to intervene must set forth with particularity the contentions sought to be raised. For each contention, the request or petition must:

1. Provide a specific statement of the issue of law or fact to be raised or controverted;

2. Provide a brief explanation of the basis for the contention;

3. Demonstrate that the issue raised in the contention is within the scope of the proceeding;

4. Demonstrate that the issue raised in the contention is material to the findings that the NRC must make to support the action that is involved in the proceeding;

5. Provide a concise statement of the alleged facts or expert opinions which support the requester's/petitioner's position on the issue and on which the requester/petitioner intends to rely to support its position on the issue; and

6. Provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. This information must include references to specific portions of the application (including the applicant's environmental report and technical report) that the requester/petitioner disputes and the supporting reasons for each dispute, or, if the requester/petitioner believes the application fails to contain information on a relevant matter as required by law, the identification of each failure and the supporting reasons for the requester's/petitioner's belief.

In addition, in accordance with 10 CFR 2.309(f)(2), contentions must be based on documents or other information available at the time the petition is to be filed, such as the application, supporting technical (i.e., safety analysis) report, environmental report or other supporting document filed by an applicant or licensee, or otherwise available to the petitioner. On issues arising under the National Environmental Policy Act, the requester/petitioner shall file contentions based on the applicant's environmental report. The requester/petitioner may amend those contentions or file new contentions if there are data or conclusions in the NRC draft, or final environmental impact statement, environmental assessment, or any supplements relating thereto, that differ significantly from the data or conclusions in the applicant's documents. Otherwise, contentions may be amended or new contentions filed after the initial filing only with leave of the presiding officer.

Each contention shall be given a separate numeric or alpha designation within one of the following groups:

1. Technical—primarily concerns issues relating to matters discussed or referenced in the Technical Report for the proposed action.

2. Environmental—primarily concerns issues relating to matters discussed or referenced in the Environmental Report for the proposed action.

3. Emergency Planning—primarily concerns issues relating to matters discussed or referenced in the Emergency Plan as it relates to the proposed action.

4. Physical Security—primarily concerns issues relating to matters discussed or referenced in the Physical Security Plan as it relates to the proposed action.

5. Miscellaneous—does not fall into one of the categories outlined above.

If the requester/petitioner believes a contention raises issues that cannot be classified as primarily falling into one of these categories, the requester/petitioner must set forth the contention and supporting bases, in full, separately for each category into which the requester/petitioner asserts the contention belongs with a separate designation for that category.

Requesters/petitioners should, when possible, consult with each other in preparing contentions and combine similar subject matter concerns into a joint contention, for which one of the co-sponsoring requesters/petitioners is designated the lead representative. Further, in accordance with 10 CFR 2.309(f)(3), any requester/petitioner that wishes to adopt a contention proposed by another requester/petitioner must do so, in accordance with the E-Filing rule, within ten (10) days of the date the contention is filed, and designate a representative who shall have the authority to act for the requester/petitioner.

In accordance with 10 CFR 2.309(g), a request for hearing and/or petition for leave to intervene may also address the selection of the hearing procedures, taking into account the provisions of 10 CFR 2.310.

III. Further Information

Documents related to this action, including the October 2, 2007 license application and its supporting documentation (i.e., Technical Report and Environmental Report), are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html*. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which

provides text and image files of NRC's public documents. The ADAMS accession number for the documents related to this Notice is ML072851218, Redacted Version of Application for USNRC Source Materials License, Moore Ranch Uranium Project, Campbell County, Wyoming. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov.* These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland, this 17th day of January, 2008.

For the Nuclear Regulatory Commission.

Keith I. McConnell,

Deputy Director, Decommissioning and Uranium Recovery, Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.

[FR Doc. E8–1305 Filed 1–24–08; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Managing Gas Accumulation in Emergency Core Cooling, Decay Heat Removal, and Containment Spray Systems

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued Generic Letter (GL) 2008–01 all holders of operating licenses for nuclear power reactors, except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel. The NRC is issuing this GL to address the issue of gas [1] accumulation in the emergency core cooling, decay heat removal (DHR),[2] and containment spray systems (hereinafter referred to as the ''subject systems''). Specifically, the NRC is issuing this GL for two purposes:

(1) To request addressees to submit information to demonstrate that the subject systems are in compliance with the current licensing and design bases and applicable regulatory requirements, and that suitable design, operational, and testing control measures are in place for maintaining this compliance, and

(2) To collect the requested information to determine if additional regulatory action is required.

This **Federal Register** notice is available through the NRC's Agencywide Documents Access and Management System (ADAMS) under Accession Number ML080160231.

DATES: The GL was issued on January 11, 2008.

ADDRESSES: Not applicable.

FOR FURTHER INFORMATION, CONTACT: Warren Lyon at 301–415–2897 or by e-mail *wcl@nrc.gov* or David Beaulieu at 301–415–3243 or e-mail *dpb@nrc.gov*.

SUPPLEMENTARY INFORMATION: NRC Generic Letter 2008–01 may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR) at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/NRC/ADAMS/index.html*. The ADAMS number for the GL is ML070360665.

If you do not have access to ADAMS or if you have problems in accessing the documents in ADAMS, contact the NRC PDR reference staff at 1–800–397–4209 or 301–415–4737 or by e-mail to *pdr@nrc.gov*.

Dated at Rockville, Maryland, this 16th day of January 2008.

For the Nuclear Regulatory Commission.

Martin C. Murphy,

Chief, Generic Communications Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. E8–1302 Filed 1–24–08; 8:45 am]

BILLING CODE 7590–01–P

[1] ''Gas'' as used here includes air, nitrogen, hydrogen, water vapor, or any other void that is not filled with liquid water.

[2] DHR, residual heat removal (RHR), and shutdown cooling are common names for systems used to cool the reactor coolant system (RCS) during some phases of shutdown operation. In this GL, the NRC staff generally uses ''DHR.''

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: U.S. Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: This gives notice of OPM decisions granting authority to make appointments under Schedules A, B, and C in the excepted service as required by 5 CFR 6.6 and 213.103.

FOR FURTHER INFORMATION CONTACT: C. Penn, Group Manager, Executive Resources Services Group, Center for Human Resources, Division for Human Capital Leadership and Merit System Accountability, 202–606–2246.

SUPPLEMENTARY INFORMATION: Appearing in the listing below are the individual authorities established under Schedules A, B, and C between December 1, 2007, and December 31, 2007. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities as of June 30 is published each year.

Schedule A

No Schedule A appointments were approved for December 2007.

Schedule B

No Schedule B appointments were approved for December 2007.

Schedule C

The following Schedule C appointments were approved during December 2007.

Section 213.3303 Executive Office of the President

Office of Management and Budget

BOGS80002 Confidential Assistant to the Associate Director for Natural Resource Programs. Effective December 11, 2007.

Office of National Drug Control Policy

QQGS80002 Special Assistant to the Director to the Chief of Staff. Effective December 04, 2007.

Section 213.3304 Department of State

DSGS61103 Staff Assistant to the Under Secretary for Arms Control and Security Affairs. Effective December 4, 2007.

DSGS61270 Public Affairs Specialist to the Assistant Secretary for Public Affairs. Effective December 21, 2007.

Section 213.3305 Department of the Treasury

DYGS00230 Public Affairs Specialist to the Director, Public Affairs. Effective December 27, 2007.

DYGS00501 Special Assistant to the Under Secretary for Domestic Finance. Effective December 27, 2007.

DYGS00502 Senior Policy Advisor to the Under Secretary for Domestic Finance. Effective December 27, 2007.

Section 213.3306 Department of Defense

DDGS17120 Special Assistant to the Assistant Secretary of Defense (Health Affairs). Effective December 07, 2007.

DDGS17124 Special Events Coordinator to the Assistant Secretary of Defense Public Affairs. Effective December 14, 2007.

DDGS17121 Staff Assistant to the Deputy Assistant Secretary of Defense (Middle East). Effective December 18, 2007.

DDGS17127 Special Assistant to the Deputy General Counsel Legal Counsel. Effective December 19, 2007.

Section 213.3307 Department of the Army

DWGS60086 Special Assistant to the General Counsel. Effective December 4, 2007.

Section 213.3310 Department of Justice

DJGS00069 Confidential Assistant to the Director, Office of Public Affairs. Effective December 7, 2007.

DJGS00252 Director of Advance to the Attorney General. Effective December 11, 2007.

DJGS00196 Special Assistant to the Chief of Staff. Effective December 20, 2007.

Section 213.3311 Department of Homeland Security

DMGS00729 Special Assistant to the Chief Privacy Officer. Effective December 07, 2007.

DMGS00735 Director of Special Projects and Protocol to the Assistant Secretary for Public Affairs. Effective December 27, 2007.

DMGS00736 Director of Strategic Communications to the Assistant Secretary for Public Affairs. Effective December 27, 2007.

Section 213.3313 Department of Agriculture

DAGS00928 Director of External Affairs to the Administrator, Farm Service Agency. Effective December 7, 2007.

DAGS00926 Deputy Chief of Staff to the Chief of Staff. Effective December 14, 2007.

DAGS00927 Staff Assistant to the Assistant Secretary for Congressional Relations. Effective December 27, 2007.

Section 213.3314 Department of Commerce

DCGS00603 Special Assistant to the Under Secretary for International Trade. Effective December 21, 2007.

DCGS00154 Senior Advisor to the Under Secretary of Commerce for Industry and Security. Effective December 27, 2007.

DCGS00172 Policy Advisor to the Assistant Secretary for Export Administration. Effective December 27, 2007.

DCGS00338 Press Secretary to the Director of Public Affairs. Effective December 27, 2007.

DCGS00359 Confidential Assistant to the Chief of Staff. Effective December 27, 2007.

DCGS00492 Confidential Assistant to the Director of Advance. Effective December 27, 2007.

DCGS00561 Legislative Affairs Specialist to the Deputy Under Secretary and Deputy Director of U.S. Patent and Trademark Office. Effective December 27, 2007.

DCGS60596 Confidential Assistant to the Director of Public Affairs. Effective December 27, 2007.

Section 213.3315 Department of Labor

DLGS60263 Special Assistant to the Deputy Assistant Secretary for Labor-Management Programs. Effective December 11, 2007.

Section 213.3317 Department of Education

DBGS00658 Deputy Assistant Secretary for External Affairs to the Assistant Secretary, Office of Communications and Outreach. Effective December 4, 2007.

DBGS00531 Press Secretary to the Assistant Secretary, Office of Communications and Outreach. Effective December 19, 2007.

DBGS00644 Chief of Staff for the Office of Communications and Outreach to the Assistant Secretary, Office of Communications and Outreach. Effective December 21, 2007.

DBGS00505 Deputy Secretary's Regional Representative, Region 6 to the Director, Regional Services. Effective December 27, 2007.

Section 213.3318 Environmental Protection Agency

EPGS07031 Deputy Press Secretary to the Associate Administrator for Public Affairs. Effective December 4, 2007.

Section 213.3331 Department of Energy

DEGS00626 Special Advisor to the White House Liaison. Effective December 11, 2007.

Section 213.3379 Commodity Futures Trading Commission

CTOT00058 Special Assistant to the Commissioner. Effective December 17, 2007.

Section 213.3391 Office of Personnel Management

PMGS00065 Attorney—Advisor to the General Counsel. Effective December 7, 2007.

Section 213.3393 Pension Benefit Guaranty Corporation

BGGS01213 Director, Communications and Public Affairs Department to the Deputy Executive Director, Office of Policy and External Affairs. Effective December 27, 2007.

Section 213.3394 Department of Transportation

DTGS60301 Associate Director for Governmental Affairs to the Deputy Assistant Secretary for Governmental Affairs. Effective December 4, 2007.

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.

U.S. Office of Personnel Management.

Howard C. Weizmann,

Deputy Director.

[FR Doc. E8–1268 Filed 1–24–08; 8:45 am]

BILLING CODE 6325–39–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57171; File No. 4–534]

Joint Industry Plan; American Stock Exchange LLC, Chicago Board Options Exchange, Incorporated, International Securities Exchange, LLC, New York Stock Exchange LLC, and NYSE Arca, Inc.; Notice of Filing of Amendment No. 1 to the Proposed National Market System Plan for the Selection and Reservation of Securities Symbols

January 18, 2008.

I. Introduction

On March 23, 2007, pursuant to Rule 608 of Regulation NMS under the Act [1] (''Rule 608''), American Stock Exchange LLC (''Amex''), New York Stock Exchange LLC (''NYSE''), and NYSE Arca, Inc. (''NYSE Arca'') filed with the Commission a proposed plan for the purpose of the selection and reservation of securities symbols (''Three-Characters Plan''). On March 23, 2007, The Nasdaq Stock Market, Inc. (''Nasdaq''), National Association of Securities Dealers, Inc. (''NASD'') (n/k/a Financial Industry Regulatory Authority, Inc. (''FINRA'')),[2]

[1] 17 CFR 242.608.

[2] On July 26, 2007, the Commission approved a proposed rule change filed by NASD to amend NASD's Certificate of Incorporation to reflect its name change to Financial Industry Regulatory Authority Inc., or FINRA, in connection with the consolidation of the member firm regulatory

Continued

National Stock Exchange, Inc. (''NSX''), and Philadelphia Stock Exchange, Inc. (''Phlx'') also filed with the Commission a proposed plan for the purpose of the selection and reservation of securities symbols (''Five-Characters Plan''). On April 23, 2007, the Chicago Stock Exchange, Inc. (''CHX''), Nasdaq, NASD, NSX, and Phlx filed a supplement to the Five-Characters Plan.[3] The proposed plans were published for comment in the **Federal Register** on July 17, 2007.[4]

On August 1, 2007, Amex, Chicago Board Options Exchange, Incorporated (''CBOE''), International Securities Exchange, LLC (''ISE''), NYSE, and NYSE Arca filed Amendment No. 1 to the proposed Three-Characters Plan (''Amendment No. 1''). The Commission requests comment on Amendment No. 1 from interested persons.

II. Description of Amendment No. 1

Amendment No. 1 makes the following modifications to the proposed Three-Characters Plan: (1) Adds two new parties to the proposed plan; (2) amends the symbol portability provision of the proposed plan with respect to three-character symbols; (3) clarifies that the Three-Characters Plan covers reservations of one-, two-, and three-character symbols for options under the OPRA Plan; and (4) minor, non-substantive, technical changes, including re-naming the plan administrator.

A. New Parties to the Plan

The Three-Characters Plan was originally submitted by Amex, NYSE, and NYSE Arca. The Three-Characters Plan would grant the plan participants the following symbol reservation rights: (1) NYSE and Amex each would receive the right to reserve 200 symbols without any time or other limitations or restrictions as ''perpetual reservations'' and 1,500 symbols for a limited time of 24 months as ''limited-time reservations'' (2) all other parties would receive the right to reserve 40 perpetual reservations, and (3) NYSE Arca would receive the right to reserve 500 limited-time reservations.[5] Amendment No. 1 adds CBOE and ISE as signatories to, and participants in, the proposed Three-Characters Plan. In addition, Amendment No. 1 modified the proposed limited-time reservation provision of the plan to grant CBOE the right to reserve 500 limited-time reservations and ISE the right to reserve 200 limited-time reservations.[6]

The Commission requests commenters' views on the amended provisions to the proposed Three-Characters Plan that add CBOE and ISE as parties to the plan and that would grant them the limited-time reservation rights described above. The Commission also requests commenters' views on the number of symbols a self-regulatory organization (''SRO'') should be permitted to reserve as perpetual reservations or limited-time reservations. In particular, the Commission requests commenters' view on any basis on which it would be appropriate for certain SROs to receive more reservations than other SROs. For example, should there be a distinction in the number of limited-time reservations that non-primary listing markets receive? If so, what factors should be taken into account in allotting the number of limited-time reservations? Finally, the Commission requests commenters' views on how these amended provisions would affect new listing markets.

B. Symbol Portability

The proposed Three-Characters Plan originally provided that, if an SRO lists a security that transferred from another SRO, the SRO from which the issuer delisted its security would have the right to the symbol for that security, unless it consents to the transfer of the symbol to the other SRO. If the SRO to which the issuer transferred its listing believes there is a compelling business reason why it should have the rights to the symbol (if it is a two- or three-character symbol, but not a one-character symbol), such SRO could submit to the Processor the determination of which SRO shall have the rights in that symbol.[7] The Processor could only grant the rights in the symbol to the new SRO if the Processor determines that such SRO's business reasons for obtaining such rights substantially outweigh the business needs of the other SRO to that symbol. The Processor's decision would be final and not subject to appeal.

Amendment No. 1 modifies this proposed portability provision with respect to three-character symbols. Specifically, an SRO to which a security that uses a three-character symbol transfers its listing would have the rights to that three-character symbol,[8] unless, in the new SRO's discretion, it consents to allowing the former SRO to retain the symbol. The participants to the Three-Character Plan noted that Amendment No. 1 would comport the Three-Characters Plan with a Nasdaq rule recently approved by the Commission, which permits an issuer that has traded under a three-character symbol to continue to use that three-character symbol if the issuer moves its listing to Nasdaq.[9]

The Commission requests comment on the change in Amendment No. 1 regarding the portability of a three-character symbol to a new listing market when an issuer transfers its listing. When an issuer moves its listing to a new listing market, should either the former listing market or the new listing market retain the right to use the issuer's symbol? How would awarding the rights to the symbol to the former listing market affect competition? How would awarding such rights to the new listing market affect competition? Finally, the Commission requests comment on whether one- and two-character symbols should be subject to the same portability process as three-character symbols.

C. Covered Symbols

The proposed Three-Characters Plan originally stated that the plan was intended to be the exclusive means of allocating and using symbols of one-, two-, or three-characters, and none of such one-, two-, or three-character symbols were to be allocated or used for securities other than those reflected on ''Network A'' or ''Network B'' as those terms are defined in the Consolidated Tape Association Plan (''CTA Plan'').[10] The original Three-Characters Plan also stated that its Symbol Reservation System would cover the allocation of all

functions of NASD and NYSE Regulation, Inc. *See* Securities Exchange Act Release No. 56146 (July 26, 2007), 72 FR 42190 (August 1, 2007).

[3] In the Supplement, CHX joined as a party proposing the Five-Characters Plan. In addition, the Supplement contained a revised version of the Five-Characters Plan. The parties to the Five-Characters Plan revised the plan as follows: (i) Changed the definition of securities for which an SRO must maintain facilities for the quoting and trade reporting of such securities in order to be party to the plan and corresponding changes throughout the plan and (ii) deleted the statement that new parties to the plan would pay an equal share of all development costs.

[4] *See* Securities Exchange Act Release No. 56037 (July 10, 2007), 72 FR 39096 (''Joint Industry Plan Notice'').

[5] *See* Joint Industry Plan Notice *supra* note 4, at 39099–100 for additional details regarding perpetual reservations and limited-time reservations.

[6] *See* amended Section IV(b)(1)(B) of the Three-Characters Plan.

[7] The Three-Characters Plan would not permit disputes over one-character symbols to be submitted to the Processor.

[8] The new SRO would be required to use the three-character symbol to identify the security transferred to its market.

[9] *See* Amendment No. 1, Cover Letter at 2. *See also* Securities Exchange Act Release No. 56028 (July 9, 2007), 72 FR 38639 (July 13, 2007) (SR–NASDAQ–2007–031) (approving a rule change to allow a company that transfers its listing to Nasdaq to retain its three-character symbol).

[10] *See* Section I(b) of the original Three-Characters Plan.

symbols used to common stocks, other securities or other information disseminated to the public through the facilities operated by, or pursuant to, among other plans, the Options Price Reporting Authority (''OPRA''). Amendment No. 1 amends Section I(b) of the proposed Three-Characters Plan to state that the proposed plan is intended to be the exclusive means of allocating and using symbols of one-, two-, or three-characters for, among other securities, options under OPRA. In addition, Amendment No. 1 revises Section I(b) of the Three-Characters Plan to state that, in the case of ''listed equity securities'' (as Rule 600(b)(34) of Regulation NMS defines that term) no one-, two-, or three-character symbols would be allocated or used other than for ''Network A'' or ''Network B'' ''Eligible Securities.''

The Commission requests comment on the amended provision regarding the proposed Three-Characters Plan's scope. In particular, the Commission requests comment on whether it is appropriate that the proposed scope of the Three-Characters Plan include options. Should the Commission approve a plan solely covering equity security symbols or should both equity and option security symbols be covered? Are there other matters with respect to the scope of the plans that commenters believe the Commission should consider? In particular, should only root symbols be covered or should suffixes be included as well?

D. Name of the Plan Administrator

Amendment No. 1 also made a number of minor, non-substantive technical changes, including modifying the name for the plan administrator. The proposed Three-Characters Plan originally referred to the plan administrator as the ''International Symbols Reservation Authority (''ISRA'').'' Amendment No. 1 renamed the authority the ''Intermarket Symbols Reservation Authority (''ISRA'').'' The Commission requests comment on the name of the plan administrator.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed Amendment No. 1 is consistent with the Act. The Commission invites comments on whether the foregoing assures fair competition among all parties, including new listing markets. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number 4–534 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number 4–534. The file numbers should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro/nms.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed plans that are filed with the Commission, and all written communications relating to the proposed plans between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number 4–534 and should be submitted on or before February 15, 2008.

By the Commission.

Nancy M. Morris,

Secretary.

[FR Doc. E8–1255 Filed 1–24–08; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 28125; 812–13213]

Morgan Stanley Investment Management Inc., et al., Notice of Application

January 18, 2008.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application for an order under sections 6(c) and 17(b) of the Investment Company Act of 1940 (the ''Act'') for an exemption from section 17(a) of the Act.

APPLICANTS: Morgan Stanley Investment Management Inc. (''MSIM''), Morgan Stanley Investment Advisors Inc. (''MSIA''), Morgan Stanley AIP GP LP (''MSAIP''), Van Kampen Asset Management (''VKAM''),[1] Active Assets California Tax-Free Trust, Active Assets Government Securities Trust, Active Assets Institutional Government Securities Trust, Active Assets Institutional Money Trust, Active Assets Money Trust, Active Assets Tax-Free Trust, Morgan Stanley California Tax-Free Daily Income Trust, Morgan Stanley New York Municipal Money Market Trust, Morgan Stanley Tax-Free Daily Income Trust, Morgan Stanley Liquid Asset Fund Inc., Morgan Stanley U.S. Government Money Market Trust (each a ''Money Market Fund''),[2] Morgan Stanley Select Dimensions Investment Series, Morgan Stanley Variable Investment Series, Morgan

[1] MSIM, MSIA, MSAIP, VKAM are collectively referred to as the Current Advisers. Applicants also seek relief for any other existing or future registered investment adviser which acts as investment adviser or subadviser to a Fund (defined below) and which controls, is controlled by or is under common control (as defined in section 2(a)(9) of the Act) with MS (as defined below) (individually a ''Future Adviser'' and collectively the ''Future Advisers''). The Current Advisers and the Future Advisers are referred to individually as an ''Adviser'' and collectively as the ''Advisers.'' Any Adviser that currently intends to rely on the requested order is named as an applicant in the application. Any other Adviser that relies on the order in the future will comply with the terms and conditions of the application.

[2] Morgan Stanley Institutional Liquidity Funds also offers six series that operate as money market funds subject to rule 2a–7 under the 1940 Act: Government Portfolio, Government Securities Portfolio, Money Market Portfolio, Prime Portfolio, Tax-Exempt Portfolio, Treasury Portfolio and Treasury Securities Portfolio. Van Kampen Equity Trust II offers two money market funds: Van Kampen Reserve Fund and Van Kampen Tax-Free Money Fund. Morgan Stanley Select Dimensions Investment Series offers one money market fund: Money Market Portfolio. Morgan Stanley Variable Investment Series offers one money market fund: Money Market Portfolio. Van Kampen Life Investment Trust offers one money market fund: Money Market Portfolio.

Stanley Institutional Fund, Inc., Morgan Stanley Institutional Liquidity Funds, The Universal Institutional Funds, Inc., Morgan Stanley Institutional Fund Trust, Morgan Stanley Allocator Fund, Morgan Stanley Capital Opportunities Trust, Morgan Stanley Developing Growth Securities Trust, Morgan Stanley Dividend Growth Securities Inc., Morgan Stanley Equally-Weighted S&P 500 Fund, Morgan Stanley European Equity Fund Inc., Morgan Stanley Financial Services Trust, Morgan Stanley Focus Growth Fund, Morgan Stanley Fundamental Value Fund, Morgan Stanley Global Advantage Fund, Morgan Stanley Global Dividend Growth Securities, Morgan Stanley Health Sciences Trust, Morgan Stanley Institutional Strategies Fund, Morgan Stanley International Fund, Morgan Stanley International SmallCap Fund, Morgan Stanley International Value Equity Fund, Morgan Stanley Japan Fund, Morgan Stanley Mid-Cap Value Fund, Morgan Stanley Multi-Asset Class Fund, Morgan Stanley Nasdaq-100 Index Fund, Morgan Stanley Natural Resource Development Securities Inc., Morgan Stanley Pacific Growth Fund Inc., Morgan Stanley Real Estate Fund, Morgan Stanley Series Funds, Morgan Stanley Small-Mid Special Value Fund, Morgan Stanley S&P 500 Index Fund, Morgan Stanley Special Growth Fund, Morgan Stanley Special Value Fund, Morgan Stanley Technology Fund, Morgan Stanley Total Market Index Fund, Morgan Stanley Utilities Fund, Morgan Stanley Value Fund, Morgan Stanley Balanced Fund, Morgan Stanley Strategist Fund, Morgan Stanley Convertible Securities Trust, Morgan Stanley Flexible Income Trust, Morgan Stanley FX Series Funds, Morgan Stanley High Yield Securities Inc., Morgan Stanley Income Trust, Morgan Stanley Limited Duration Fund, Morgan Stanley Limited Duration U.S. Government Trust, Morgan Stanley Mortgage Securities Trust, Morgan Stanley U.S. Government Securities Trust, Morgan Stanley California Tax-Free Income Fund, Morgan Stanley Limited Term Municipal Trust, Morgan Stanley New York Tax-Free Income Fund, Morgan Stanley Tax-Exempt Securities Trust, Morgan Stanley Income Securities Inc., Morgan Stanley Prime Income Trust, Morgan Stanley California Insured Municipal Income Trust, Morgan Stanley California Quality Municipal Securities, Morgan Stanley Insured California Municipal Securities, Morgan Stanley Insured Municipal Bond Trust, Morgan Stanley Insured Municipal Income Trust, Morgan Stanley Insured Municipal Securities, Morgan Stanley Insured Municipal Trust, Morgan Stanley Municipal Income Opportunities Trust, Morgan Stanley Municipal Income Opportunities Trust II, Morgan Stanley Municipal Income Opportunities Trust III, Morgan Stanley Municipal Premium Income Trust, Morgan Stanley New York Quality Municipal Securities, Morgan Stanley Quality Municipal Income Trust, Morgan Stanley Quality Municipal Investment Trust, Morgan Stanley Quality Municipal Securities, Morgan Stanley Asia-Pacific Fund, Inc., Morgan Stanley China ''A'' Share Fund, Morgan Stanley Eastern Europe Fund, Inc., Morgan Stanley Emerging Markets Debt Fund, Inc., Morgan Stanley Emerging Markets Domestic Debt Fund, Inc., Morgan Stanley Emerging Markets Fund, Inc., Morgan Stanley Global Opportunity Bond Fund, Inc., Morgan Stanley High Yield Fund, Inc., Morgan Stanley Opportunistic Municipal High Income Fund, The India Investment Fund, The Latin American Discovery Fund, Inc., The Malaysia Fund, Inc., The Thai Fund, Inc., The Turkish Investment Fund, Inc., Morgan Stanley Institutional Fund of Hedge Funds, Van Kampen U.S. Government Trust, Van Kampen Tax Free Trust, Van Kampen Life Investment Trust, Van Kampen Equity Trust, Van Kampen Equity Trust II, Van Kampen Tax-Exempt Trust, Van Kampen Series Fund, Inc., Van Kampen Trust, Van Kampen Corporate Bond Fund, Van Kampen Government Securities Fund, Van Kampen High Yield Fund, Van Kampen Limited Duration Fund, Van Kampen U.S. Government Trust, Van Kampen Pennsylvania Tax Free Income Fund, Van Kampen Comstock Fund, Van Kampen Enterprise Fund, Van Kampen Equity and Income Fund, Van Kampen Exchange Fund, Van Kampen Growth and Income Fund, Van Kampen Harbor Fund, Van Kampen Pace Fund, Van Kampen Real Estate Securities Fund, Van Kampen Strategic Growth Fund, Van Kampen Reserve Fund, Van Kampen Tax Free Money Fund, Van Kampen High Income Trust II, Van Kampen Senior Loan Fund, Van Kampen Senior Income Trust, Van Kampen Municipal Trust, Van Kampen Ohio Quality Municipal Trust, Van Kampen Trust For Insured Municipals, Van Kampen Trust For Investment Grade Municipals, Van Kampen Trust For Investment Grade New Jersey Municipals, Van Kampen Trust For Investment Grade New York Municipals, Van Kampen Municipal Opportunity Trust, Van Kampen California Value Municipal Income Trust, Van Kampen Massachusetts Value Municipal Income Trust, Van Kampen Pennsylvania Value Municipal Income Trust, Van Kampen Advantage Municipal Income Trust II, Van Kampen Select Sector Municipal Trust, Van Kampen Bond Fund, Van Kampen Dynamic Credit Opportunities Fund (each a ''Current Fund,'' collectively, the ''Current Funds''), any existing or future registered management investment companies and their series that are advised or subadvised by the Advisers (''Future Funds,'' Future Funds and Current Funds are collectively the ''Funds''),[3] and Morgan Stanley & Co., Inc. (''MS & Co.'').

SUMMARY OF APPLICATION: Applicants request an order to permit the Funds to engage in principal transactions in certain money market instruments with MS & Co.

FILING DATES: The application was filed on July 7, 2005, and amended on October 9, 2007, and December 26, 2007. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on February 12, 2008, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 100 F Street, NE., Washington, DC 20549–1090. Applicants: c/o Amy Doberman, Esq., Morgan Stanley Investment Management, 522 Fifth Avenue New York, New York 10036.

FOR FURTHER INFORMATION CONTACT: Bruce R. MacNeil, Senior Counsel, (202) 551–6817 or Janet M. Grossnickle, Branch Chief, (202) 551–6821 (Office of Investment Company Regulation, Division of Investment Management).

[3] Any existing or future Funds which are money market funds subject to rule 2a–7 and authorized to invest in Money Market Instruments (as defined below) are also ''Money Market Funds.'' Any Fund that currently intends to rely on the requested order is named as an applicant in the application. Any other Fund that relies on the order in the future will comply with the terms and conditions of the application.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the Commission's Public Reference Branch, 100 F Street, NE., Washington, DC 20549–0102 (tel. 202–551–8090).

Applicants' Representations

1. Each Fund is an open-end or closed-end management company registered under the Act and is organized as a business trust or corporation under the laws of various states, as specified in the application. The Current Advisers are wholly owned subsidiaries of Morgan Stanley (''MS''), a Delaware corporation. Each Adviser is (or will be) registered under the Investment Advisers Act of 1940. Each Fund has an investment advisory agreement with the applicable Adviser pursuant to which the Adviser provides investment advisory and management services. MS & Co., a wholly owned subsidiary of MS, is registered as a broker-dealer under the Securities Exchange Act of 1934 (the ''1934 Act''). MS & Co., a primary dealer in U.S. Government securities, is one of the largest dealers in the United States in commercial paper, repurchase agreements and other money market instruments.

2. Applicants state that the Advisers and MS & Co. are functionally independent of each other and operate as completely separate entities under the umbrella of MS, the parent holding company. While MS & Co. and the Advisers are under common control, each entity has its own separate officers and employees, is separately capitalized, maintains its own separate books and records and operates on different sides of walls of separation with respect to the Funds and Money Market Instruments. The Advisers also maintain offices physically separate from MS & Co.

3. Investment decisions for the Funds are determined solely by the Advisers. The portfolio managers and other employees that are responsible for the investment of the Funds are employed solely by one of the Advisers (and not MS & Co.), and have lines of reporting responsibility solely within the Advisers. The compensation of personnel assigned to an Adviser will not depend on the volume or nature of trades with MS & Co., except to the extent that such trades may affect the profits and losses of MS and its subsidiaries as a whole.

4. As used in the application, the term Taxable Money Market Instruments refers to taxable securities which are eligible for purchase by money market funds under rule 2a–7, including short-term U.S. Government securities, short-term U.S. Government agency securities, bank money market instruments, bank notes, commercial paper, other short-term fixed income instruments and repurchase agreements. The term Tax-Exempt Money Market Instruments refers to tax-exempt securities which are eligible for purchase by money market funds under rule 2a–7, including conventional municipal notes, tax-exempt commercial paper, variable rate demand notes, put bonds and flexible notes. Money Market Instruments consist of Taxable and Tax-Exempt Money Market Instruments. Each Fund that is not a Money Market Fund is authorized to invest in Taxable Money Market Instruments pursuant to its investment objectives and policies.

5. Trading in Money Market Instruments generally takes place in over-the-counter markets consisting of groups of dealers who are primarily major securities firms or large commercial banks. The money market consists of sophisticated and elaborate telephonic and electronic communications networks among buyers and sellers, which generally precludes being able to obtain a single market price for a given instrument at any given time. Applicants state that the money market (for both Taxable and Tax-Exempt Money Market Instruments) tends to be somewhat segmented. The markets for the different types of instruments will vary in terms of price, volatility, liquidity and availability. With respect to any given type of security or instrument, there may be only a few dealers who can be expected to have the security in inventory and be in a position to quote a favorable price. Applicants also state that different dealers may quote different prices with respect to the same type of instrument because of differing outlooks on future yields, to adjust their inventory or because of competitive pressure (or the lack thereof) to meet other dealers' quotes. Only customers of a dealer may obtain quotations for Money Market Instruments and trade on them.

6. MS & Co. is one of the world's largest dealers in Taxable Money Market Instruments, ranking among the top firms in each of the major markets and product areas. As of September 30, 2007, MS & Co. had become the sixth largest dealer in terms of the number of new U.S. asset-backed commercial paper programs, the most significant part of the commercial paper market by outstanding dollar amounts. Applicants believe that MS & Co. is one of the ten leading dealers in the repurchase agreement market. MS & Co's average outstanding repurchase agreements for December 2006, 2006 to September, 2007 ranged from $154 billion to $206 billion. MS & Co. is an active participant in the public auction market for U.S. Treasuries, being one of only 22 primary dealers and receiving on average from 4% to 9% of the primary distribution of U.S. Treasuries. In secondary trading, MS & Co. ranked as one of the top 5 primary dealers for U.S. Treasuries with maturities under three years for each of the last eight quarters (through the third quarter of 2007). MS & Co. also has been an active participant in the secondary market for government agency securities and ranked fourth in underwriting primary issuances in 2006. MS & Co. is also one of the leading participants in the market for medium-term note (''MTNs''). MTNs are offered continuously in public or private offerings, with maturities beginning at nine months. MTNs represent a significant portion of the longer-term money market investment alternatives because commercial paper is not issued with maturities greater than nine months. From July 2006 to July 2007, MS & Co. ranked as the fifth largest manager or co-manager of MTN programs in terms of proceeds ($88.6 billion) and market share (8.5%). MS & Co. is also a leading manager of issuances of Extendible Liquidity Securities®, a MS proprietary product, which is another longer-term alternative. From July 2000 through October 1, 2007, MS & Co. served as lead manager on 91 EXLs® issuances, which represented 53% of the total aggregate value of all EXLs® issued during that period.

7. MS & Co. also is a major participant in both the primary new issue market and in the secondary dealer market for Tax-Exempt Money Market Instruments. MS & Co. estimates that its market share in the new issue market for Tax-Exempt Money Market Instruments included 13% of conventional notes, 7% of tax-exempt commercial paper and 8% of variable rate demand notes for the first nine months in 2007. Applicants state that there is no comprehensive information published as to the dollar amount and volume of secondary market transactions executed in Tax-Exempt Money Market Instruments. However, MS & Co. believes that it is generally one of the top five secondary market dealers in Tax-Exempt Money Market Instruments. Based upon MS & Co. estimates, MS & Co. was responsible for 8.7% of the trading volume in variable rate demand notes and tax-exempt commercial paper among MS & Co. and nine other leading dealers as of

September 30, 2007. MS & Co. estimates its market share in the put bonds market at 12% as of December 31, 2006.

8. Applicants state that over the past few years, the growth in Money Market Instruments has been substantially outpaced by the growth in portfolios which purchase Money Market Instruments, which has contributed to the limited availability of Money Market Instruments to the Funds.[4] Applicants further state that because of consolidation in the money market industry, there is a substantially smaller number of major dealers who are active in the money market than was the case a decade ago. Applicants state that MS & Co. has remained committed to the taxable and tax-exempt money market, and has moved to fill the void left by departing dealers. As the number of dealers with whom the Funds can transact business has decreased, it has become even more important for the Funds to have meaningful access to all of the major dealers in Money Market Instruments in order to diversify each Fund's investments, to maintain portfolio liquidity, and to increase opportunities for obtaining best price and execution with respect to portfolio trades.

9. Subject to the general supervision of the board of directors/trustees of each of the Funds (each a ''Board''), the Advisers are responsible for making investment decisions and for the placement of portfolio transactions. The Funds have no obligation to deal with any dealer or group of dealers in the execution of their portfolio transactions. When placing orders, an Adviser must attempt to obtain the best net price and the most favorable execution of its orders. In doing so, it takes into account such factors as price, the size, type and difficulty of the transaction involved and the dealer's general execution and operational facilities. The transaction costs of the Funds with respect to Money Market Instruments consist primarily of dealer or underwriter spreads. Spreads vary some based on the type of money market security or the occurrence of turbulent market conditions, but generally spread levels for Taxable Money Market Instruments are in the range of 1 to 5 basis points (.01% to .05%), while spreads for Tax-Exempt Money Market Instruments typically are not greater than 12.5 basis points (0.125%).

[4] Applicants state that from 1997 through 2007, the growth of the market in Tax-Exempt Money Market Instruments was 208%, while the growth of tax-exempt money market funds was 276%. For the same period, the growth of Taxable Money Market Instruments was 78%, while the growth of taxable money market funds was 181%.

Applicants' Legal Analysis

1. Applicants request an order pursuant to sections 6(c) and 17(b) of the Act exempting certain transactions from the provisions of section 17(a) of the Act to permit MS & Co., acting as principal, (a) to sell or purchase Taxable Money Market Instruments to or from the Funds; and (b) to sell or purchase Tax-Exempt Money Market Instruments to or from the Money Market Funds, subject to the conditions set forth below.

2. Section 17(a) of the Act generally prohibits an affiliated person or principal underwriter of a registered investment company, or any affiliated person of that person, acting as principal, from selling to or purchasing from the registered company, or any company controlled by the registered company, any security or other property. Because an Adviser is an affiliated person of the Funds it advises and MS & Co. and the Advisers are under common control, the Funds are currently prohibited from conducting portfolio transactions with MS & Co. in transactions in which MS & Co. acts as principal.

3. Section 17(b) of the Act provides that the Commission, upon application, may exempt a transaction from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair, and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act. Section 6(c) provides that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

4. Applicants note the following in support of the requested relief:

(a) With over approximately $75 billion invested in Money Market Instruments, the Funds are major buyers and sellers in the tax-exempt and taxable money market with a strong need for access to large quantities of high quality Money Market Instruments. The applicants believe that access to a major dealer as MS & Co. in this market increases the Funds' ability to obtain suitable portfolio securities.

(b) The policy of the Funds of investing in securities with short maturities combined with the active portfolio management techniques employed by the Advisers results in a high level of portfolio activity and the need to make numerous purchases and sales of Money Market Instruments. This high level of portfolio activity emphasizes the importance of increasing opportunities to obtain suitable portfolio securities and best price and execution.

(c) The tax-exempt and taxable money market, including the market for repurchase agreements, is highly competitive, and maintaining a dealer as prominent as MS & Co. in the pool of dealers with which the Funds could conduct principal transactions may provide the Funds with opportunities to purchase and sell Money Market Instruments, including those not available from any other source.

(d) MS & Co. is such a major factor in the tax-exempt and taxable money market that being unable to deal directly with MS & Co. may indirectly deprive the Funds of obtaining best price and execution even when the Funds trade with unaffiliated dealers.

5. Applicants believe that the requested order will provide the Funds with a broader and more complete access to the money market (both taxable and non-taxable) which is necessary to carry out the policies and objectives of each of the Funds in obtaining the best price, execution and quality in all portfolio transactions, and will provide the Funds with important new information sources in the taxable and tax-exempt money market, to the direct benefit of investors in the Funds. Applicants believe that the transactions contemplated by the application are identical to those in which they are currently engaged except for the proposed participation of MS & Co. and that such transactions are consistent with the policies of the Funds as recited in their registration statements and reports filed under the Act. Applicants further believe that the conditions below and the procedures to be followed with respect to transactions with MS & Co. are structured in such a way as to ensure that the transactions will be, in all instances, reasonable and fair, will not involve overreaching on the part of any person concerned, and that the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. The exemption shall be applicable to principal transactions in the secondary market and primary or secondary fixed price dealer offerings not made pursuant to underwriting syndicates. With respect to Tax-Exempt Money Market Instruments, principal purchase or sale transactions will be conducted only in Money Market Instruments that are First Tier Securities as defined in rule 2a–7(a)(12)(i) under the Act. With respect to Taxable Money Market Instruments, the principal purchase or sale transactions which may be conducted pursuant to the exemption will be limited to transactions in *Eligible Securities*.[5] Notwithstanding the foregoing, if a Fund purchases a Money Market Instrument meeting the above requirements from MS & Co. and, subsequent to such purchase the security becomes no longer an *Eligible Security*, the Fund may sell the security to MS & Co. in a manner consistent with the requirements of rule 2a–7(c)(6)(i)(B). To the extent a Fund is subject to rule 2a–7, such *Eligible Securities* must meet the portfolio maturity and quality requirements of paragraphs (c)(2) and (c)(3) of rule 2a–7. To the extent a Fund is not subject to rule 2a–7, such *Eligible Securities* must meet the requirements of clauses (i), (iii) and (iv) of paragraph (c)(3) of rule 2a–7. Additionally:

(a) No Fund shall make portfolio purchases pursuant to the exemption that would result directly or indirectly in a Fund investing pursuant to the exemption more than 2% of its *Total Assets* (or, in the case of a Fund that is not subject to rule 2a–7, more than 2% of the total of its cash, cash items and *Eligible Securities*) in securities which, when acquired by the Fund (either initially or upon any subsequent rollover) are *Second Tier Securities*; provided that any Fund may make portfolio sales of *Second Tier Securities* pursuant to the exemption without regard to this limitation.

(b) The exemption shall not apply to an *Unrated Security* other than a *Government Security*.

(c) The Funds may engage in repurchase agreements with MS & Co. only if MS & Co. has: (i) Net capital, as defined in rule 15c3–1 under the 1934 Act, of at least $100 million and (ii) a record (including the record of predecessors) of at least five years continuous operations as a dealer during which time it engaged in repurchase agreements relating to the kind of security subject to the repurchase agreement. MS & Co. shall furnish the Advisers with financial statements for its most recent fiscal year and the most recent semi-annual financial statements made available to its customers. The Advisers shall determine that MS & Co. complies with the above requirements and with other repurchase agreement guidelines adopted by the Board. Each repurchase agreement will be *Collateralized Fully*.

(d) The exemption shall not apply to any purchase or sale of any security, other than a repurchase agreement, issued by MS or any affiliated person thereof, or to any security subject to a *Demand Feature* or *Guarantee* issued by MS or any affiliated person thereof. For purposes of this requirement, MS will not be considered to be the issuer of a *Demand Feature* or *Guarantee* solely by reason of the fact that MS or an affiliate thereof serves as a remarketing agent for a Money Market Instrument.

2. The relevant Adviser (unless the Board decides that the Fund should make these determinations) will determine with respect to each principal transaction conducted by a Fund pursuant to the order, based upon the information available to the Funds and the Advisers, that the price available from MS & Co. is at least as favorable to the Fund as the prices obtained from two other dealer bids in connection with securities falling within the same category of instrument, quality and maturity (but not necessarily the identical security or issuer) (''price test''). In the case of ''swaps'' involving trades of one security for another, the price test shall be based upon the transaction viewed as a whole and not upon the two components thereof individually. With respect to each transaction involving repurchase agreements, the relevant Adviser will determine (unless the Board decides that the Fund should make these determinations), based upon the information reasonably available to the Fund and the Advisers, that the income to be earned from the repurchase agreement is at least equal to that available from other sources. In the case of variable rate demand notes, for which dealer bids are not ordinarily available, the Funds will only undertake purchases and sales where the rate of interest to be earned from the variable rate demand note is at least equal to that of variable rate demand notes of comparable quality that are available from other dealers. Neither MS nor any other affiliate thereof (other than the Advisers) will have any involvement with respect to proposed transactions between the Funds and the Advisers and, except to the extent set forth in condition 6(d) below, will not attempt to influence or control in any way the placing by the Funds or the Advisers of orders with MS & Co.

3. Before any principal transaction may be conducted pursuant to the order, the relevant Fund or Adviser must obtain such information as it deems reasonably necessary to determine that the price test (as defined in condition (2) above) has been satisfied. In the case of each purchase or sale transaction, the relevant Fund or Adviser must make and document a good faith determination with respect to compliance with the price test based on current price information obtained through the contemporaneous solicitation of bona fide offers in connection with securities falling within the same category of instrument, quality and maturity (but not necessarily the identical security or issuer). With respect to variable rate demand notes, contemporaneous solicitation of a bona fide offer will be construed to mean any bona fide offer solicited during the same trading day. With respect to prospective purchases of securities by a Fund, the dealer firms from which prices are solicited must be those who have securities of the same categories and the type desired in their inventories and who are in a position to quote favorable prices with respect thereto. With respect to the prospective sale of securities by a Fund, these dealer firms must be those who, in the experience of the Funds and the Advisers, are in a position to quote favorable prices. Before any repurchase agreements are entered into pursuant to the exemption, the Fund or the Adviser must obtain and document competitive quotations from at least two other dealers with respect to repurchase agreements comparable to the type of repurchase agreement involved, except that if quotations are unavailable from two such dealers, only one other competitive quotation is required.

4. Principal transactions in all Money Market Instruments other than repurchase agreements conducted by a Fund pursuant to the order shall be limited to no more than (a) an aggregate of 25% of the direct or indirect purchases and 25% of the direct or indirect sales of *Eligible Securities* other than repurchase agreements conducted by that Fund and (b) an aggregate of 25% of the purchases or sales, as the case may be, by MS & Co. of *Eligible Securities* other than repurchase agreements. Repurchase agreements conducted pursuant to the exemption

[5] Italicized terms are defined as set forth in paragraph (a) of rule 2a–7 under the Act, unless otherwise indicated.

shall be limited to no more than 10% of (a) the repurchase agreements directly or indirectly entered into by the relevant Fund and (b) the repurchase agreements transacted by MS & Co. Principal transactions in Tax-Exempt Money Market Instruments conducted by each Money Market Fund pursuant to the order, shall be limited to no more than an aggregate of 20% of the direct or indirect purchases and 20% of the direct or indirect sales of Tax-Exempt Money Market Instruments by that Money Market Fund. The Adviser or Fund and MS & Co. will measure these limits on an annual basis (the fiscal year of each Fund and of MS & Co.) and shall compute them using the dollar volume of transactions.

5. MS & Co.'s dealer spread regarding any transaction with the Funds will be no greater than its customary dealer spread on similar transactions (with unaffiliated parties) of a similar size during a comparable time period. Its customary dealer spread also will be consistent with the average or standard spread charged by dealers in Money Market Instruments of a similar type and transaction size.

6. The Advisers, on the one hand, and MS & Co. on the other, will operate on different sides of appropriate walls of separation with respect to the Funds and the Money Market Instruments. The walls of separation will include all of the following characteristics, and such others that MS & Co. and the Advisers consider reasonable to facilitate the factual independence of the Advisers from MS & Co.:

(a) Each of the Advisers will maintain offices physically separate from those of MS & Co.

(b) The compensation of persons assigned to any of the Advisers (*i.e.,* executive, administrative or investment personnel) will not depend on the volume or nature of trades effected by the Advisers for the Funds with MS & Co. under the exemption, except to the extent that such trades may affect the profits and losses of MS and its subsidiaries as a whole.

(c) MS & Co. will not compensate the Advisers based upon its profits or losses on transactions conducted pursuant to the exemption, provided that the allocation of the profits by MS to its shareholders and the determination of general firm-wide compensation of officers and employees, will be unaffected by this undertaking.

(d) Personnel assigned to the Advisers' investment advisory operations on behalf of the Funds will be exclusively devoted to the business and affairs of one or more of the Advisers. Personnel assigned to MS & Co. will not participate in the decision-making process for or otherwise seek to influence the Advisers other than in the normal course of sales and dealer activities of the same nature as are simultaneously being carried out with respect to nonaffiliated institutional clients. Each Adviser, on the one hand, and MS & Co., on the other hand, may nonetheless maintain affiliations other than with respect to the Funds, and in addition with respect to the Funds as follows: (i) Adviser personnel may rely on research, including credit analysis and reports prepared internally by various subsidiaries and divisions of MS & Co.; and (ii) The senior executives of MS that have responsibility for overseeing operations of various divisions, subsidiaries and affiliates of MS are not precluded from exercising those functions over the Advisers because they oversee MS & Co. as well, provided that such persons shall not have any involvement with respect to proposed transactions pursuant to the exemption and will not in any way attempt to influence or control the placing by the Funds or any Adviser of orders in respect of Money Market Instruments with MS & Co.

7. The Funds and the Advisers will maintain such records with respect to those transactions conducted pursuant to the exemption as may be necessary to confirm compliance with the conditions to the requested relief. To this end, each Fund shall maintain the following:

(a) An itemized daily record of all purchases and sales of securities pursuant to the exemption, showing for each transaction the following: (i) The name and quantity of securities; (ii) the unit purchase or sale price; (iii) the time and date of the transaction; and (iv) whether the security was a *First Tier* or *Second Tier Security*. For each transaction (other than variable rate demand notes), these records shall document two quotations received from other dealers for securities falling within the same category of instrument, quality and maturity; including the following: (i) The names of the dealers; (ii) the names of the securities; (iii) the prices quoted; (iv) the times and dates the quotations were received; and (v) whether such securities were *First Tier* or *Second Tier Securities*. In the case of variable rate demand notes, the Fund shall maintain the same records except that the rates of return quoted will be substituted for the prices quoted.

(b) Records sufficient to verify compliance with the volume limitations contained in condition (4) above. MS & Co. will provide the Funds with all records and information necessary to implement this requirement.

(c) Each Fund shall maintain a ledger or record showing, on a daily basis, the percentage of the Fund's *Total Assets* (or, in the case of a Fund not subject to rule 2a–7 the percentage of its total cash, cash items and *Eligible Securities*) represented by *Second Tier Securities* acquired from MS & Co.

(d) Each Fund shall maintain records sufficient to verify compliance with the repurchase agreement requirements contained in condition 1(c) above.

The records required by this condition (7) will be maintained and preserved in the same manner as records required under rule 31a–1(b)(1) under the Act.

8. The legal and compliance departments of MS & Co. and the Advisers will prepare and administer guidelines for personnel of MS & Co. and the Advisers to make certain that transactions conducted pursuant to the order comply with the conditions set forth in the order and that the parties generally maintain arm's-length relationships. In the training of MS & Co's personnel, particular emphasis will be placed upon the fact that the Funds are to receive rates as favorable as other institutional purchasers buying the same quantities. The legal and compliance departments will periodically monitor the activities of MS & Co. and the Advisers to make certain that the conditions set forth in the order are adhered to.

9. The members of the Board of each of the Funds who are not ''interested persons'' as defined in Section 2(a)(19) of the Act (''Independent Trustees'') will approve, periodically review, and update as necessary, guidelines for the Funds and the Advisers that are reasonably designed to make certain that the transactions conducted pursuant to the exemption comply with the conditions set forth herein and that the above procedures are followed in all respects. The Independent Trustees will periodically monitor the activities of the Funds and the Advisers in this regard to ensure that these goals are being accomplished.

10. The Board, including a majority of the Independent Trustees, will have approved each Fund's participation in transactions conducted pursuant to the exemption and determined that such participation by the Fund is in the best interests of the Fund and its shareholders. The minutes of the meeting of the Board at which this approval was given must reflect in detail the reasons for the Board's determination. The Board will review no less frequently than annually each Fund's participation in transactions conducted pursuant to the exemption

during the prior year and determine whether the Fund's participation in such transactions continues to be in the best interests of the Fund and its shareholders. Such review will include (but not be limited to) (a) a comparison of the volume of transactions in each type of security conducted pursuant to the exemption to the market presence of MS & Co. in the market for that type of security, which market data may be based on good faith estimates to the extent that current formal data is not reasonably available, and (b) a determination that the Funds are maintaining appropriate trading relationships with other sources for each type of security to ensure that there are appropriate sources for the quotations required by condition 3. The minutes of the meetings of the Board at which these determinations are made will reflect in detail the reasons for the Board's determinations.

For the Commission, by the Division of Investment Management, under delegated authority.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–1304 Filed 1–24–08; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57173; File No. SR–BSE–2008–03]

Self-Regulatory Organizations; Boston Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Extending the iShares® Russell 2000® Index Fund (IWM) Option Pilot Program Until March 1, 2008

January 18, 2008.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 16, 2008, the Boston Stock Exchange, Inc. (''Exchange'' or ''BSE'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been substantially prepared by the Exchange. The Exchange has designated this proposal as non-controversial under section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the rules of the Boston Options Exchange (''BOX'') to extend an existing pilot program that increases the position and exercise limits for options on the iShares Russell 2000 Index Fund (''IWM'') traded on BOX (''IWM Option Pilot Program''). The text of the rule proposal is available on the Exchange's Web site (*http://www.bostonstock.com*), at the offices of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The IWM Option Pilot Program provides for increased position and exercise limits for IWM options traded on BOX. Specifically, the IWM Option Pilot Program increased the position and exercise limits for IWM options from 250,000 contracts to 500,000 contracts.[5] The purpose of the proposed rule change is to extend the IWM Option Pilot Program for an additional 43 day period, through March 1, 2008.[6] The Exchange believes that extending the IWM Option Pilot Program is warranted because maintaining the increased position and exercise limits for IWM options will lead to a more liquid and more competitive market environment for IWM options that will benefit customers interested in this product. The Exchange has received positive feedback from Participants, who have expressed a desire that the IWM Option Pilot Program be renewed.

The Exchange is not proposing any other changes to the IWM Option Pilot Program. The Exchange represents that it has not encountered any significant problems or difficulties relating to the IWM Option Pilot Program since its inception. The Exchange believes that the above stated reasons justify the IWM Option Pilot Program and requests that the Commission extend the IWM Option Pilot Program for the requested additional pilot period, through March 1, 2008.[7]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act[8] in general and furthers the objectives of section 6(b)(5) of the Act[9] because it is designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and practices, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated the proposed rule change as one that: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days from the date of filing, or such shorter time as the Commission may designate if consistent with the

[1] 5 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release No. 55171 (January 25, 2007) 72 FR 4549 (January 31, 2007) (SR–BSE–2007–03) (establishing the IWM Option Pilot Program).

[6] *See* Securities Exchange Act Release No. 56051 (July 12, 2007) 72 FR 39469 (July 18, 2007) (SR–BSE–2007–30) (extending the IWM Option Pilot Program through January 18, 2008).

[7] Pursuant to Chapter III, Section 7 of BOX Rules, the exercise limit established for IWM options shall be equivalent to the position limit prescribed for IWM options in Supplementary Material .02 to such section. The increased exercise limits would only be in effect during the pilot period and the proposed extension of that pilot period through March 1, 2008.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

protection of investors and the public interest. Therefore, the foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act [10] and subparagraph (f)(6) of Rule 19b–4 thereunder.[11] The Exchange has asked the Commission to waive the operative delay to permit the IWM Option Pilot Program extension to become effective prior to the 30th day after filing.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because it will allow the benefits of the IWM Option Pilot Program to continue without interruption.[12] Therefore, the Commission designates the proposal operative upon filing.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File No. SR–BSE–2008–03 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BSE–2008–03. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commissions Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BSE–2008–03 and should be submitted on or before February 15, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Nancy M. Morris,

Secretary.

[FR Doc. E8–1266 Filed 1–24–08; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to provide the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has fulfilled this requirement.

[12] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57169; File No. SR–ISE–2007–110]

Self-Regulatory Organizations; International Securities Exchange, LLC; Order Granting Approval of Proposed Rule Change to Expand and Make Permanent the $1 Strike Program

January 18, 2008.

I. Introduction

On November 14, 2007, the International Securities Exchange, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposal to amend its rules relating to the $1 Strike Pilot Program (''Program''). The proposed rule change was published for comment in the **Federal Register** on December 19, 2007.[3] The Commission received no comments on the proposal. This order approves the proposed rule change.

II. Description of the Proposal

The purpose of the proposed rule change is to expand the Program and to request permanent approval of the Program. The Program currently allows ISE to select a total of 5 individual stocks on which an option series may be listed at $1 strike price intervals. To be eligible for selection into the Program, the underlying stock must close below $20 in its primary market on the previous trading day. If selected for the Program, the Exchange may list strike prices at $1 intervals from $3 to $20, but no $1 strike price may be listed that is greater than $5 from the underlying stock's closing price in its primary market on the previous day. The Exchange also may list $1 strikes on any other option class designated by other securities exchanges that employ a similar Program under their respective rules. The Exchange may not list long-term option series (LEAPS) at $1 strike price intervals for any class selected for the Program. The Exchange also is restricted from listing any series that would result in strike prices being $0.50 apart.

The Exchange proposes to expand the Program to allow ISE to select a total of 10 individual stocks on which an option series may be listed at $1 strike price intervals. Additionally, ISE proposes to raise the upper limit of the price range on which it may list $1 strikes from $20 to $50. The existing restrictions on listing $1 strikes will continue, *e.g.,* no $1 strike price may be listed that is greater than $5 from the underlying stock's closing price in its primary market on the previous day, and ISE is restricted from listing any series that would result in strike prices being $0.50 apart.

ISE concluded from its analysis of the Program that the impact on the automated systems of ISE, OPRA, and market data vendors has been minimal.[4] ISE has represented that it has sufficient capacity to handle an expansion of the Program, as proposed.

In its filing with the Commission, ISE stated its belief that $1 strike price

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 56956 (December 13, 2007), 72 FR 71986 (''Notice'').

[4] *See* Notice, *id.*, at 71987 (providing ISE's Program analysis on systems capacity).

intervals provide investors with greater trading opportunities and flexibility by allowing investors to establish equity options positions that are better tailored to meet their investment objectives and that its member firms representing customers have repeatedly requested that ISE seek to expand the Program, both in terms of the number of classes on which an option series may be listed at $1 strike price intervals and the range in which $1 strikes may be listed. The Exchange further stated that it has not detected any material proliferation of illiquid options series resulting from the narrower strike price intervals. For the foregoing reasons, ISE requested that the Program be approved on a permanent basis.

III. Commission's Findings and Order Granting Approval of the Proposed Rule Change

After careful review and based on the Exchange's representations, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[5] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act[6] in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

Specifically, the Commission believes that the proposed expansion to permit the Exchange to select a total of 10 individual underlying stocks trading at less than $50 on which option series may be listed at $1 strike price intervals, and the request to make the Program permanent, should provide investors with added flexibility in the trading of equity options and further the public interest by allowing investors to establish equity options positions that are better tailored to meet their investment objectives. The Commission also believes that the proposal strikes a reasonable balance between the Exchange's desire to accommodate market participants by offering a wider array of investment opportunities and the need to avoid unnecessary proliferation of options series and the corresponding increase in quotes. The Commission notes that the existing restrictions on listing $1 strike price intervals will continue to apply, *e.g.,* no $1 strike price may be listed (a) that is greater than $5 from the underlying stock's closing price in its primary market on the previous day, or (b) that would result in strike prices being $0.50 apart.

The Commission expects the Exchange to continue to monitor for options with little or no open interest and trading activity and to act promptly to delist such options. In addition, the Commission expects that ISE will continue to monitor the trading volume associated with the additional options series listed as a result of this proposal and the effect of these additional series on market fragmentation and on the capacity of the Exchange's, OPRA's, and vendors' automated systems.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[7] that the proposed rule change (SR–ISE–2007–110) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Nancy M. Morris,

Secretary.

[FR Doc. E8–1254 Filed 1–24–08; 8:45 am]

BILLING CODE 8011–01–P

[5] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(2).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Release No. 34–57174; File No. SR–NYSEArca–2008–07]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Extending the Pilot Program for Expanded Position Limits for Options on the iShares® Russell 2000® Index Fund

January 18, 2008.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 14, 2008, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been substantially prepared by the Exchange. The Exchange has designated this proposal as non-controversial under Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to amend Rule 6.8 in order to extend the pilot program (the ''IWM Pilot Program'') that allows for increased position and exercise limits on options overlying the iShares® Russell 2000® Index Fund (''IWM'') traded on the Exchange. The text of the proposed rule change is available on the Exchange's Web site (*http://www.nyse.com*), at the Exchange's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The IWM Pilot Program provides for increased position and exercise limits for IWM options traded on NYSE Arca.[5] Specifically, the IWM Pilot Program increases the position and exercise limits for IWM options from 250,000 contracts to 500,000 contracts.[6]

[5] The proposal that established the IWM Pilot Program was designated by the Commission to be effective upon filing. *See* Securities Exchange Act Release No. 55185 (January 29, 2007), 72 FR 5481 (February 6, 2007) (SR–NYSEArca–2007–10). The IWM Pilot Program was subsequently extended and is due to expire on January 18, 2008. *See* Securities Exchange Act Release No. 56021 (July 6, 2007), 72 FR 38115 (July 12, 2007) (SR–NYSEArca–2007–58).

[6] Pursuant to Commentary .03 of NYSE Arca Rule 6.9, the exercise limit established under Rule 6.9 for

Continued

The purpose of this rule change is to extend the IWM Pilot Program through March 1, 2008. The Exchange is not proposing any other changes to the IWM Pilot Program at this time.

The Exchange believes that maintaining the increased position and exercise limits for IWM options will lead to a more liquid and competitive market environment for IWM options that will benefit all investors interested in trading this product. As a result, the Exchange believes that the above stated reasons justify the IWM Pilot Program and requests that the Commission extend the IWM Pilot Program through March 1, 2008.

NYSE Arca represents that it has not encountered any problems or difficulties relating to the IWM Pilot Program since its inception.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with and furthers the objectives of Section 6(b)(5) of the Act[7] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated the proposed rule change as one that: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days from the date of filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. Therefore, the foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[8] and subparagraph (f)(6) of Rule 19b–4 thereunder.[9] The Exchange has asked the Commission to waive the operative delay to permit the IWM Pilot Program extension to become effective prior to the 30th day after filing.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because it will allow the benefits of the IWM Pilot Program to continue without interruption.[10] Therefore, the Commission designates the proposal operative upon filing.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File No. SR–NYSEArca–2008–07 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2008–07. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2008–07 and should be submitted on or before February 15, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Nancy M. Morris,

Secretary.

[FR Doc. E8–1265 Filed 1–24–08; 8:45 am]

BILLING CODE 8011–01–P

IWM options shall be equivalent to the position limit prescribed for IWM options in Commentary .06 under Rule 6.8. The increased exercise limits would only be in effect during the IWM Pilot Program.

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to provide the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has fulfilled this requirement.

[10] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57167; File No. SR–NYSEArca–2008–10]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Closing Time for Options on Exchange-Traded Funds

January 17, 2008.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 16, 2008, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange''), through its wholly owned subsidiary, NYSE Arca

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Equities, Inc. (''NYSE Arca Equities''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been substantially prepared by NYSE Arca. The Exchange filed the proposal as ''non-controversial'' pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NYSE Arca proposes to amend NYSE Arca Rule 7.1 in order to provide the Exchange with flexibility, similar to that of other options exchanges, regarding the time at which options on exchange-traded funds (''ETFs'') cease trading on the Exchange. The text of the proposed rule change is available at the Exchange's principal office, the Commission's Public Reference Room, and *http://www.nysearca.com*.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NYSE Arca included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend NYSE Arca Rule 7.1 (''Rule''), Trading Sessions, to provide the Exchange with flexibility, similar to that of other options exchanges, regarding the time at which options on ETFs cease trading on the Exchange. The rule currently specifies the trading hours for options on ETFs as commencing at 6:30 a.m. Pacific Time (''PT'') and ending at the same time as the primary listing exchange closes its core trading session in the underlying ETF.

Recently, the Exchange submitted a proposed rule change that was effective upon filing that governed the trading hours of options on ETFs.[5] As a result of that proposed rule change, the Exchange synchronized the closing time for options on ETFs with the time at which the underlying ETF closes on its primary listing exchange. In the case of NYSE Arca Equities, starting January 2, 2008, the closing time for its primary listed ETFs changed to 1 p.m. PT.

Since that date, the Exchange has closed trading in options on NYSE Arca Equities primary listed ETFs at 1 p.m. PT. For the most part, other options exchanges followed suit. However, certain options exchanges, most notably the Chicago Board Options Exchange (''CBOE''), the American Stock Exchange, and the International Stock Exchange have continued to trade options on iShares Russell 2000 Index Fund (''IWM''), an ETF that is listed on NYSE Arca Equities, until 1:15 p.m. PT. The Exchange, meanwhile, closes trading in options on IWM at 1 p.m. PT in keeping with NYSE Arca Rule 7.1.

Although compliant with its rules, the Exchange is operating at a competitive disadvantage because other options exchanges allow their members to trade options on IWM until 1:15 p.m. PT. To address this apparent disadvantage, the Exchange proposes to amend Rule 7.1 similar to CBOE Rule 6.1 so that options on ETFs may be traded on the Exchange until 1:15 p.m. each business day.[6]

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5),[8] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (1) Significantly affect the protection of investors or the public interest; (2) impose any significant burden on competition; and (3) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, it has become effective pursuant to Section 19(b)(3)(A) of the Act [9] and Rule 19b–4(f)(6) thereunder.[10]

NYSE Arca has requested that the Commission waive the 30-day operative delay and designate the proposed rule change to become operative upon filing. The proposed rule is similar to rules of other exchanges and does not appear to raise any novel or significant regulatory issues. Therefore, the Commission designates the proposed rule change as operative upon filing.[11]

At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in the furtherance of the purposes of the Act.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release No. 57087 (January 2, 2008), 73 FR 1656 (January 9, 2008) (SR–NYSEArca–2008–01).

[6] Commentary .01 to CBOE Rule 6.1 states, in part, that ''hours during which transactions in options on individual stocks may be made on the Exchange shall correspond to the normal hours for business set forth in the rules of the primary exchange listing the stocks underlying CBOE options.'' Commentary .03 to CBOE Rule 6.1 states: ''Options on Units, as defined under Interpretation and Policy .06 to Rule 5.3, and options on the Nasdaq–100 Index Tracking Stock may be traded on the Exchange until 3:15 p.m. [Central Time] each business day.''

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6). The Exchance has requested that the Commission waive the requirement that the Exchange provide the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date on which the Exchange filed the proposed rule change pursuant to rule 19b–4(f)(6)(iii). The Commission hereby grants this request.

[11] For the purposes only of waiving the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2008–10 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2008–10. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2008–10 and should be submitted on or before February 15, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–1303 Filed 1–24–08; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 28123; 812–13363]

The TIGERS Revenue Trust and VTL Associates, LLC; Notice of Application

January 18, 2008.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 24(d) of the Act and rule 22c–1 under the Act; under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and (a)(2) of the Act; and under section 12(d)(1)(J) of the Act for exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act.

SUMMARY OF THE APPLICATION: The applicants request an order that would permit (a) series of open-end management investment companies to issue shares (''Shares'') that can be redeemed only in large aggregations (''Creation Units''); (b) secondary market transactions in Shares to occur at negotiated prices; (c) dealers to sell Shares to purchasers in the secondary market unaccompanied by a prospectus when prospectus delivery is not required by the Securities Act of 1933 (''Securities Act''); (d) certain affiliated persons of the series to deposit securities into, and receive securities from, the series in connection with the purchase and redemption of Creation Units; and (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the series to acquire Shares.

APPLICANTS: The TIGERS Revenue Trust (the ''Trust'') and VTL Associates, LLC (the ''Adviser'').

FILING DATES: The application was filed on February 8, 2007 and amended on September 5, 2007 and December 7, 2007. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in the notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on February 12, 2008, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090; Applicants, One Commerce Square, 2005 Market Street, Suite 2020, Philadelphia, PA 19103.

FOR FURTHER INFORMATION CONTACT: Barbara T. Heussler, Senior Counsel, at (202) 551–6990, or Janet M. Grossnickle, Branch Chief, at (202) 551–6821 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Public Reference Desk, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington DC 20549–0102 (telephone (202) 551–5850).

Applicants' Representations

1. The Trust is registered as an open-end management investment company and is organized as a Delaware statutory trust authorized to issue multiple series or portfolios. The Trust intends to offer and sell Shares of at least one or more separate investment portfolios (''each an ''Index Fund'').[1] The Adviser is registered as an investment adviser under the Investment Advisers Act of 1940, as amended (the ''Advisers Act'') and will serve as the investment adviser to each Index Fund. The Adviser will enter into a sub-advisory agreement with The Bank of New York (''BNY'') to serve as a sub-adviser with respect to the Initial Index Funds. BNY, and any

[1] All Index Funds and the Trust, wherever appropriate, are collectively referred to herein as the ''Trust.'' The Trust currently intends to offer three series, the TIGERS Revenue-Weighted Large Cap Index Fund, TIGERS Revenue-Weighted Mid Cap Index Fund and TIGERS Revenue-Weighted Small Cap Index Fund (collectively, the ''Initial Index Funds'').

other sub-adviser to the Index Funds, is or will be registered as an investment adviser under the Advisers Act. Foreside Fund Services, LLC (''Distributor''), a broker-dealer registered under the Securities Exchange Act of 1934 (the ''Exchange Act''), will serve as the principal underwriter and distributor for the Index Funds.

2. Each Index Fund will hold certain securities (''Portfolio Securities'') selected to correspond generally to the price and yield performance, before fees and expenses, of a specified index of domestic equity securities (an ''Underlying Index''). No entity that creates, compiles, sponsors or maintains an Underlying Index (''Index Provider'') is or will be an affiliated person, as defined in section 2(a)(3) of the Act, or an affiliated person of an affiliated person, of the Trust, its investment adviser (''VTL''), any sub-adviser of a series of the Trust (including BNY), a promoter of the Trust or any of its series, or the Trust's distributor (including Foreside Fund Services, LLC). The Underlying Index for the TIGERS Revenue-Weighted Large Cap Index Fund is the RevenueShares Large Cap Index; the Underlying Index for the TIGERS Revenue-Weighted Mid Cap Index Fund is the RevenueShares Mid Cap Index; and the Underlying Index for the TIGERS Revenue-Weighted Small Cap Index Fund is the RevenueShares Small Cap Index. The Trust may offer additional Index Funds in the future based on other Underlying Indexes comprised of domestic equity securities (''Future Index Funds'').[2] Any Future Index Funds relying on any order granted pursuant to this Application will comply with the terms and conditions stated in this application and will be advised by the Adviser or an entity controlling, controlled by or under common control with the Adviser.

3. The investment objective of each Index Fund will be to provide investment results that correspond generally to the price and yield performance, before fees and expenses, of its Underlying Index. Intra-day values of the Underlying Index will be disseminated every 15 seconds throughout the trading day. An Index Fund will utilize either a ''replication strategy'' or ''representative sampling'' which will be disclosed with regard to each Index Fund in its prospectus (''Prospectus'').[3] An Index Fund using a ''replication strategy'' generally will invest in all of the Component Securities in its Underlying Index in approximately the same weightings as in the Underlying Index. In certain circumstances, such as when there are practical difficulties or substantial costs involved in holding every security in an Underlying Index or when a Component Security is illiquid, an Index Fund may use a ''representative sampling'' strategy pursuant to which it will invest in some, but not all of the relevant Component Securities.[4] Applicants anticipate that an Index Fund that utilizes a ''representative sampling'' strategy will not track the price and yield performance of its Underlying Index with the same degree of accuracy as an investment vehicle that invests in every Component Security of the Underlying Index in the same weighting as the Underlying Index. Applicants expect that each Index Fund's tracking error relative to the performance of its Underlying Index should be 5% or less.

4. Shares of the Index Funds will be sold in Creation Units of 50,000 Shares, as will be specified in the Index Funds' Prospectus. All orders to purchase Creation Units must be placed with the Distributor by or through a party that has entered into an agreement with the Trust and the Distributor (''Authorized Participant''). An Authorized Participant must be either: (a) A broker-dealer or other participant in the continuous net settlement system of the National Securities Clearing Corporation (''NSCC''), a clearing agency registered with the Commission; or (b) a participant (''DTC Participant'') in the Depository Trust Company (''DTC''). Shares of each Index Fund generally will be sold in Creation Units in exchange for an in-kind deposit by the purchaser of a portfolio of securities designated by the Adviser to correspond generally to the price and yield performance, before fees and expenses, of the relevant Underlying Index (the ''Deposit Securities''), together with the deposit of a specified cash payment (''Cash Component'').[5] The Cash Component is generally an amount equal to the difference between (a) the net asset value (''NAV'') (per Creation Unit) of the Index Fund and (b) the total aggregate market value (per Creation Unit) of the Deposit Securities.[6] Each Index Fund reserves the right to permit, under certain circumstances, a purchaser of Creation Units to substitute cash in lieu of depositing some or all of the requisite Deposit Securities. An investor purchasing or redeeming a Creation Unit from a Fund will be charged a fee (''Transaction Fee'') to prevent the dilution of the interests of the remaining shareholders resulting from costs in connection with the purchase of Creation Units.[7] The maximum Transaction Fees relevant to each Index Fund will be fully disclosed in the Prospectus of such Index Fund and the method for calculating the Transaction Fees will be disclosed in each Index Fund's Prospectus or statement of additional information (''SAI''). Orders to purchase Creation Units will be placed with the Distributor who will be responsible for transmitting the orders to the Trust. The Distributor also will be responsible for delivering the Index Fund's Prospectus to those persons purchasing Creation Units, and for maintaining records of both the orders placed with it and the confirmations of acceptance furnished by it. In addition, the Distributor will maintain a record of the instructions given to the Trust to implement the delivery of Shares.

5. Purchasers of Shares in Creation Units may hold such Shares or may sell such Shares into the secondary market.

[2] For purposes of this Application, references to ''Index Funds'' include both the Initial Index Funds and all Future Index Funds.

[3] Applicants represent that an Index Fund will normally invest at least 95% of its total assets in the component securities that comprise its Underlying Index (''Component Securities''). Each Index Fund also may invest up to 5% of its assets in certain futures contracts, options on futures contracts, options, and swaps, as well as cash and cash equivalents, and other securities that are not included in its Underlying Index.

[4] Under the ''representative sampling'' strategy, the Adviser or BNY will seek to construct an Index Fund's portfolio so that its market capitalization, industry weightings, fundamental characteristics (such as return variability, earnings valuation and yield) and liquidity measures perform like those of the Underlying Index.

[5] The deposit of the requisite Deposit Securities and the Cash Component are collectively referred to as a ''Fund Deposit.''

[6] The Trust will sell and redeem Creation Units of each Index Fund on any day that the Index Fund is open for business, including as required by section 22(e) of the Act (a ''Business Day''). In addition to the list of names and amount of each security constituting the current Deposit Securities, it is intended that, on each Business Day, the Cash Component effective as of the previous Business Day, per outstanding Share of each Index Fund, will be made available. The Exchanges intend to disseminate, every 15 seconds, during their respective regular trading hours, through the facilities of the Consolidated Tape Association, an approximate amount per Share representing the sum of the estimated Cash Component effective through and including the previous Business Day, plus the current value of the Deposit Securities, on a per Share basis.

[7] Where an Index Fund permits an in-kind purchaser to substitute cash in lieu of depositing a portion of the requisite Deposit Securities, the purchaser may be assessed a higher Transaction Fee to cover the cost of purchasing such Deposit Securities, including brokerage costs, and part or all of the spread between the expected bid and the offer side of the market relating to such Deposit Securities.

Shares will be listed and traded on the NYSE Arca, Inc. (the ''NYSE'') or another U.S. national securities exchange as defined in section 2(a)(26) of the Act (''Other Exchanges'') (the NYSE and the Other Exchanges are herein each referred to as an ''Exchange'' and collectively as the ''Exchanges''). It is expected that one or more member firms of a listing Exchange will be designated to act as a specialist and maintain a market on the Exchange for Shares trading on the Exchange (the ''Exchange Specialist''). If the Nasdaq Stock Market, Inc. (''Nasdaq'') is the listing Exchange, one or more member firms of Nasdaq will act as a market maker (''Market Maker'') and maintain a market on Nasdaq for Shares trading on Nasdaq.[8] Prices of Shares trading on an Exchange will be based on the current bid/offer market. Shares sold on an Exchange will be subject to customary brokerage commissions and charges. Applicants expect that purchasers of Creation Units will include institutional investors and arbitrageurs (which could include institutional investors). An Exchange Specialist or Market Maker, in providing a fair and orderly secondary market for the Shares, may find it appropriate to purchase Creation Units for use in its market-making activities. Applicants expect that secondary market purchasers of Shares will include both institutional investors and retail investors.[9] Applicants expect that the price at which Shares trade will be disciplined by arbitrage opportunities created by the option continually to purchase or redeem Creation Units at their NAV, which should ensure that Shares will not trade at a material discount or premium in relation to their NAV.

6. Shares will not be individually redeemable, and owners of Shares may acquire those Shares from the Index Fund, or tender such Shares for redemption to the Index Fund, in Creation Units only. To redeem, an investor will have to accumulate enough Shares to constitute a Creation Unit. Redemption orders must be placed by or through an Authorized Participant. An investor redeeming a Creation Unit generally will receive (a) Portfolio Securities designated to be delivered for Creation Unit redemptions (''Fund Securities'') on the date that the request for redemption is submitted, which may not be identical to the Deposit Securities required to purchase Creation Units on that date,[10] and (b) a ''Cash Redemption Amount,'' consisting of an amount calculated in the same manner as the Cash Component, although the actual amounts may differ if the Fund Securities received upon redemption are not identical to the Deposit Securities on the same day. The relevant Index Fund may also make redemptions in cash in lieu of transferring one or more Fund Securities to a redeeming investor if the Trust determines that it is warranted due to unusual circumstances, such as when a redeeming entity is restrained by regulation or policy from transacting in certain Fund Securities.

7. Neither the Trust nor any Index Fund will be marketed or otherwise held out as a traditional open-end investment company or a mutual fund. The designation of the Trust and the Index Funds in all marketing materials will be limited to the terms ''exchange-traded fund,'' an ''investment company,'' a ''fund,'' or a ''trust.'' All marketing materials that describe the method of obtaining, buying or selling Creation Units, or Shares traded on the Exchange, or refer to redeemability, will prominently disclose that Shares are not individually redeemable and that the owners of Shares may purchase or redeem those Shares from the Index Fund in Creation Units only. The same approach will be followed in the SAI, shareholder reports and investor educational materials issued or circulated in connection with the Shares. The Index Funds will provide copies of their annual and semi-annual shareholder reports to DTC Participants for distribution to beneficial owners of Shares.

Applicants' Legal Analysis

1. Applicants request an order under section 6(c) of the Act for an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 24(d) of the Act and rule 22c–1 under the Act; under section 12(d)(1)(J) for an exemption from sections 12(d)(1)(A) and (B) of the Act, and under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act.

2. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction, or any class of persons, securities or transactions, from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 17(b) of the Act authorizes the Commission to exempt a proposed transaction from section 17(a) of the Act if evidence establishes that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policies of the registered investment company and the general provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provisions of section 12(d)(1) if the exemption is consistent with the public interest and protection of investors.

Sections 5(a)(1) and 2(a)(32) of the Act

3. Section 5(a)(1) of the Act defines an ''open-end company'' as a management investment company that is offering for sale or has outstanding any redeemable security of which it is the issuer. Section 2(a)(32) of the Act defines a redeemable security as any security, other than short-term paper, under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent. Because Shares will not be individually redeemable, applicants request an order that would permit the Trust to register as an open-end management investment company and issue individual Shares of each Index Fund that are redeemable in Creation Units only. Applicants state that investors may purchase or redeem Creation Units from an Index Fund. Applicants further state that the price at which Shares trade should be disciplined by arbitrage opportunities created by the option to purchase or redeem continually Shares in Creation Units, which should help ensure that Shares will not trade at a material

[8] If Shares are listed on the Nasdaq, no particular Market Maker will be contractually obligated to make a market in Shares, although Nasdaq's listing requirements stipulate that at least two Market Makers must be registered as Market Makers in Shares to maintain the listing. Applicants state that registered Market Makers are required to make a continuous, two-sided market at all times or be subject to regulatory sanctions.

[9] Shares will be registered in book-entry form only. DTC or its nominee will be the registered owner of all outstanding Shares. DTC or DTC Participants will maintain records reflecting beneficial owners of Shares.

[10] As a general matter, the Deposit Securities and Fund Securities will correspond pro rata to the Portfolio Securities held by each Fund, but Fund Securities received on redemption may not always be identical to Deposit Securities, which are deposited in connection with the purchase of Creation Units for the same day. The Funds will comply with the federal securities laws in accepting Deposit Securities and satisfying redemptions with Fund Securities, including that the Deposit Securities and Fund Securities are sold in transactions that would be exempt from registration under the Securities Act.

discount or premium in relation to their NAV.

Section 22(d) of the Act and Rule 22c–1 Under the Act

4. Section 22(d) of the Act, among other things, prohibits a dealer from selling a redeemable security, which is currently being offered to the public by or through a principal underwriter, except at a current public offering price described in the prospectus. Rule 22c–1 under the Act generally requires that a dealer selling, redeeming or repurchasing a redeemable security do so only at a price based on its NAV. Applicants state that secondary market trading in Shares will take place on the basis of current bid/offer prices and not at an offering price described in the Index Fund's Prospectus, and not at a price based on NAV. Thus, purchases and sales of Shares in the secondary market will not comply with section 22(d) of the Act and rule 22c–1 under the Act. Applicants request an exemption under section 6(c) from these provisions.

5. Applicants assert that the concerns sought to be addressed by section 22(d) of the Act and rule 22c–1 under the Act with respect to pricing are equally satisfied by the proposed method of pricing Shares. Applicants maintain that while there is little legislative history regarding section 22(d), its provisions, as well as those of rule 22c–1, appear to have been intended to: (a) Prevent dilution caused by certain riskless-trading schemes by principal underwriters and contract dealers; (b) prevent unjust discrimination or preferential treatment among buyers; and (c) ensure an orderly distribution of investment company shares by eliminating price competition from dealers offering shares at less than the published sales price and paying investors a little more than the published redemption price.

6. Applicants believe that none of these purposes will be thwarted by permitting Shares to trade in the secondary market at negotiated prices. Applicants state that secondary market transactions in Shares will not cause dilution for owners of such Shares because such transactions do not directly involve Index Fund assets. In addition, secondary market trading in Shares should not create discrimination or preferential treatment among buyers because any variances occurring in prices of the Shares during a given trading day, or from day to day, will be the result of third-party market forces, such as supply and demand. Finally, applicants contend that the proposed distribution system will be orderly because competitive marketplace forces will ensure that the difference between the market price of Shares and their NAV remains narrow.

Section 24(d) of the Act

7. Section 24(d) of the Act provides, in relevant part, that the prospectus delivery exemption provided to dealer transactions by section 4(3) of the Securities Act does not apply to any transaction in a redeemable security issued by an open-end investment company. Applicants seek relief from section 24(d) to permit dealers selling Shares to rely on the prospectus delivery exemption provided by section 4(3) of the Securities Act.[11]

8. Applicants state that Shares are bought and sold in the secondary market in the same manner as closed-end fund shares. Applicants note that transactions in closed-end fund shares are not subject to section 24(d), and thus closed-end fund shares are sold in the secondary market without prospectuses. Applicants contend that Shares likewise merit a reduction in the unnecessary compliance costs and regulatory burdens resulting from the imposition of the prospectus delivery obligations in the secondary market. Because Shares will be listed on an Exchange, prospective investors will have access to information about the product over and above what is normally available about an open-end security. Applicants state that information regarding market price and volume will be continually available on a real time basis throughout the day on brokers' computer screens and other electronic services. The previous day's price and volume information will be published daily in the financial section of newspapers. The Trust intends to maintain a website that will include the Prospectus and SAI, the relevant Underlying Index for each Index Fund, and additional quantitative information that is updated on a daily basis, including daily trading volume, closing price and the NAV for each Index Fund and information about the premiums and discounts at which the Index Fund's Shares have traded.

9. Applicants will arrange for broker-dealers selling Shares in the secondary market to provide purchasers with a product description (''Product Description'') that describes, in plain English, the relevant Index Fund and the Shares it issues. Applicants state that a Product Description is not intended to substitute for a full Prospectus. Applicants state that the Product Description will be tailored to meet the information needs of investors purchasing Shares in the secondary market.

Section 12(d)(1)

10. Section 12(d)(1)(A) of the Act prohibits a registered investment company from acquiring securities of an investment company if such securities represent more than 3% of the total outstanding voting stock of the acquired company, more than 5% of the total assets of the acquiring company, or, together with the securities of any other investment companies, more than 10% of the total assets of the acquiring company. Section 12(d)(1)(B) of the Act prohibits a registered open-end investment company, its principal underwriter, and any broker or dealer from selling its shares to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies generally.

11. Applicants request an exemption to permit management investment companies (''Investing Management Companies'') and unit investment trusts (''Investing Trusts,'' collectively with Investing Management Companies, ''Investing Funds'') registered under the Act that are not part of the same ''group of investment companies,'' as defined in section 12(d)(1)(G)(ii) of the Act, as the Trust, to acquire shares of an Index Fund beyond the limits of sections 12(d)(1)(A) and (B). Investing Funds exclude registered investment companies that are, or in the future may be, part of the same ''group of investment companies,'' within the

[11] Applicants state that they are not seeking relief from the prospectus delivery requirement for non-secondary market transactions, such as transactions in which an investor purchases Shares from the Trust or an underwriter. Applicants further state that the Prospectus will caution broker-dealers and others that some activities on their part, depending on the circumstances, may result in their being deemed statutory underwriters and subject them to the prospectus delivery and liability provisions of the Securities Act. For example, a broker-dealer firm and/or its client may be deemed a statutory underwriter if it purchases Creation Units from an Index Fund, breaks them down into the constituent Shares, and sells those Shares directly to customers, or if it chooses to couple the creation of a supply of new Shares with an active selling effort involving solicitation of secondary market demand for Shares. Each Index Fund's Prospectus will state that whether a person is an underwriter depends upon all of the facts and circumstances pertaining to that person's activities. Each Index Fund's Prospectus will caution dealers who are not ''underwriters'' but are participating in a distribution (as contrasted to ordinary secondary market trading transactions), and thus dealing with Shares that are part of an ''unsold allotment'' within the meaning of section 4(3)(C) of the Securities Act, that they would be unable to take advantage of the prospectus delivery exemption provided by section 4(3) of the Securities Act.

meaning of section 12(d)(1)(G)(ii) of the Act as the Index Funds. In addition, Applicants request an order that would permit the Distributor and any brokers or dealers (''Brokers'') that are registered under the Exchange Act to knowingly sell shares of the Index Fund to an Investing Fund in excess of the limits of section 12(b)(1)(B). Applicants request that the relief sought apply to: (a) Index Funds that are advised by the Adviser and in the same group of investment companies as the Trust; (b) each Investing Fund that enters into a participation agreement with the Index Fund (the ''Participation Agreement''); and (c) any Broker.[12]

12. Each Investing Management Company will be advised by an investment adviser within the meaning of section 2(a)(20)(A) of the Act (the ''Investing Fund Adviser'') and may be sub-advised by one or more investment advisers within the meaning of section 2(a)(20)(B) of the Act (each an ''Investing Fund SubAdviser''). Any Investing Fund Adviser or Investing Fund SubAdviser will be registered under the Advisers Act. Each Investing Trust will be sponsored by a sponsor (''Sponsor'').

13. Applicants submit that the proposed conditions to the relief requested adequately address the concerns underlying the limits in sections 12(d)(1)(A) and (B) of the Act, which include concerns about large scale redemptions of the acquired fund's shares, excessive layering of fees, and overly complex fund structures. Applicants believe that the requested exemption is consistent with the public interest and the protection of investors.

14. Applicants believe that neither the Investing Funds nor Investing Fund Affiliates would be able to exert undue influence over the Index Funds.[13] To limit the control that an Investing Fund may have over an Index Fund, applicants propose a condition prohibiting the Investing Fund Adviser or Sponsor, any person controlling, controlled by, or under common control with the Investing Fund Adviser or Sponsor, and any investment company and any issuer that would be an investment company but for sections 3(c)(1) or 3(c)(7) of the Act that is advised or sponsored by the Investing Fund Adviser or Sponsor, or any person controlling, controlled by, or under common control with the Investing Fund Adviser or Sponsor (''Investing Fund's Advisory Group'') from controlling (individually or in the aggregate) an Index Fund within the meaning of section 2(a)(9) of the Act. The same prohibition would apply to any Investing Fund SubAdviser, any person controlling, controlled by or under common control with the Investing Fund SubAdviser, and any investment company or issuer that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act (or portion of such investment company or issuer) advised or sponsored by the Investing Fund SubAdviser or any person controlling, controlled by or under common control with the Investing Fund SubAdviser (''SubAdviser Group''). Applicants propose other conditions to limit the potential for undue influence over the Index Funds, including that no Investing Funds or Investing Fund Affiliate (except to the extent it is acting in its capacity as an investment adviser to an Index Fund) will cause an Index Fund to purchase a security in an offering of securities during the existence of any underwriting or selling syndicate of which a principal underwriter is an Underwriting Affiliate (''Affiliated Underwriting''). An ''Underwriting Affiliate'' is a principal underwriter in any underwriting or selling syndicate that is an officer, director, member of an advisory board, Investing Fund Adviser, Investing Fund SubAdviser, Sponsor, or employee of the Investing Fund, or a person of which any such officer, director, member of an advisory board, Investing Fund Adviser, Investing Fund SubAdviser, Sponsor or employee is an affiliated person. An Underwriting Affiliate does not include a person whose relationship to an Index Fund is covered by section 10(f) of the Act.

15. Applicants do not believe that the proposed arrangement will involve excessive layering of fees. The board of directors or trustees of any Investing Management Company, including a majority of the directors or trustees who are not ''interested persons'' (within the meaning of section 2(a)(19) of the Act), will find that the advisory fees charged under the advisory contract are based on services provided that will be in addition to, rather than duplicative of, the services provided under the advisory contract(s) of any Index Fund in which the Investing Management Company may invest. Except as provided in condition 11, an Investing Fund Adviser, or trustee or Sponsor of an Investing Trust will waive fees otherwise payable to it by the Investing Management Company or Investing Trust in an amount at least equal to any compensation (including fees received pursuant to any plan adopted by an Index Fund under rule 12b–1 under the Act) received by the Investing Fund Adviser or trustee or Sponsor to the Investing Trust or an affiliated person of the Investing Fund Adviser, trustee or Sponsor from the Index Funds in connection with the investment by the Investing Management Company or Investing Trust in the Index Fund. Applicants state that any sales loads or service fees charged with respect to shares of the Investing Fund will not exceed the limits applicable to a fund of funds as set forth in Conduct Rule 2830 of the National Association of Securities Dealers, Inc. (''NASD'').

16. Applicants submit that the proposed arrangement will not create an overly complex fund structure. Applicants note that no Index Fund will acquire securities of any other investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent permitted by exemptive relief from the Commission that allows the Index Fund to purchase shares of a money market fund for short-term cash management purposes. To ensure that Investing Funds comply with the terms and conditions of the requested relief from section 12(d)(1) of the Act, a Participation Agreement will be entered into between the Index Fund and the Investing Fund. The Participation Agreement will require the Investing Fund to adhere to the terms and conditions of the requested order. The Participation Agreement will include an acknowledgment from the Investing Fund that it may rely on the requested order only to invest in the Index Funds and not in any other registered investment company. Applicants represent that each Investing Fund will represent in the Participation Agreement that if it exceeds the 5% or 10% limitation in section 12(d)(1)(A)(ii) and (iii) of the Act, it will disclose in its prospectus that it may invest in the Index Funds, and disclose in ''plain English'' in its prospectus the unique characteristics of doing so, including but not limited to, the expense structure

[12] All parties that currently intend to rely on the requested relief from section 12(d)(1) are named as Applicants. Other parties that may rely on the order in the future will comply with the terms and conditions of the application. An Investing Fund may rely on the requested order only to invest in the Index Funds and any Future Index Funds and not in any other registered investment company.

[13] An ''Investing Fund Affiliate'' is an Investing Fund Adviser, Investing Fund SubAdviser, Sponsor, promoter, or principal underwriter of an Investing Fund, and any person controlling, controlled by, or under common control with any of those entities. An ''Index Fund Affiliate'' is an investment adviser, promoter, or principal underwriter of an Index Fund, and any person controlling, controlled by, or under common control with any of those entities.

and any additional expenses of investing in the Index Funds. Each Investing Fund will also be required to represent in the Participation Agreement that it will comply with the disclosure requirements set forth in Investment Company Act Release No. 27399 (June 20, 2006).

17. Applicants also note that an Index Fund may choose to reject a direct purchase by an Investing Fund. To the extent that an Investing Fund purchases Shares in the secondary market, the Index Fund would still retain its ability to reject purchases of Shares made in reliance on this order by declining to enter into the Participation Agreement prior to any investment by an Investing Fund in excess of the limits of section 12(d)(1)(A).

Section 17(a)(1) and (2) of the Act

18. Section 17(a) of the Act generally prohibits an affiliated person of a registered investment company, or affiliated persons of affiliated persons (''Second-Tier Affiliate'') from selling any security to or purchasing any security from the company. Section 2(a)(3) of the Act defines ''affiliated person'' to include (a) any person directly or indirectly owning, controlling or holding with power to vote 5% or more of the outstanding voting securities of the other person, (b) any person 5% or more of whose outstanding voting securities are directly or indirectly owned, controlled or held with the power to vote by the other person, and (c) any person directly or indirectly controlling, controlled by or under common control with the other person. Section 2(a)(9) of the Act further states that a control relationship will be presumed where one person owns more than 25% of another person's voting securities. In addition, the Index Funds may be deemed to be controlled by the Adviser or an entity controlling, controlled by or under common control with the Adviser and hence affiliated persons of each other. The Index Funds also may be deemed to be under common control with any other registered investment company (or series thereof) advised by the Adviser or an entity controlling, controlled by or under common control with the Adviser (an ''Affiliated Fund''). Applicants state that if Creation Units of all of the Index Funds or of one or more particular Index Funds are held by twenty or fewer investors, including an Exchange Specialist or Market Maker, some or all of such investors will be 5% owners of the Trust or such Index Funds, and one or more investors may hold in excess of 25% of the Trust or such Index Funds. Such investors would be deemed to be affiliated persons of the Trust or such Index Funds.

19. Applicants request an exemption from section 17(a) of the Act pursuant to sections 17(b) and 6(c) of the Act to permit persons that are affiliated persons or Second-Tier Affiliates of the Index Funds solely by virtue of: (a) Holding 5% or more, or in excess of 25%, of the outstanding Shares of one or more Index Funds; (b) having an affiliation with a person with an ownership interest described in (a); or (c) holding 5% or more, or more than 25%, of the Shares of one or more Affiliated Funds, to effectuate in-kind purchases and redemptions. Applicants further request exemptive relief pursuant to sections 6(c) and 17(b) of the Act to permit an Index Fund, 5% or more of whose Shares are held by an Investing Fund prior to a particular purchase or redemption transaction, to sell its Shares to and redeem its Shares from an Investing Fund.

20. Applicants assert that no useful purpose would be served by prohibiting these types of affiliated persons from making in-kind purchases or in-kind redemptions of Shares of an Index Fund in Creation Units. The deposit procedures for both in-kind purchases and in-kind redemptions of Creation Units will be effected in exactly the same manner. Deposit Securities and Fund Securities will be valued in the same manner as Portfolio Securities. Therefore, applicants state that in-kind purchases and in-kind redemptions will afford no opportunity for the affiliated persons of an Index Fund, or the Second-Tier Affiliates, to effect a transaction detrimental to other holders of Shares. Applicants also believe that in-kind purchases and redemptions will not result in self-dealing or overreaching of the Index Fund.

21. Applicants also seek relief from section 17(a) of the Act for any transaction in Creation Units directly between an Index Fund and any Investing Fund that owns 5% or more of an Index Fund prior to such transaction.[14] Applicants state that the terms of the transactions are fair and reasonable and do not involve overreaching. Applicants note that any consideration paid by an Investing Fund for the purchase or redemption of Shares directly from an Index Fund will be based on the NAV of the Index Fund.[15] Applicants state that the proposed transactions will be consistent with the policies of each Index Fund and Investing Fund and with the general purposes of the Act. The Participation Agreement will require any Investing Fund that purchases Creation Units directly from an Index Fund to represent that purchases of Creation Units from an Index Fund by an Investing Fund will be accomplished in compliance with the investment restrictions of the Investing Fund and will be consistent with the investment policies set forth in the Investing Fund's registration statement.

Applicants' Conditions

Applicants agree that any order of the Commission granting the requested relief to permit the operations of the Index Funds will be subject to the following conditions:

1. Each Index Fund's Prospectus and Product Description will clearly disclose that, for purposes of the Act, Shares are issued by the Index Fund and that the acquisition of Shares by investment companies is subject to the restrictions of section 12(d)(1) of the Act, except as permitted by an exemptive order that permits registered investment companies to invest in an Index Fund beyond the limits of section 12(d)(1) of the Act, subject to certain terms and conditions, including that the registered investment company enter into a Participation Agreement with the Trust regarding the terms of the investment.

2. As long as the Trust operates in reliance on the requested order, the Shares will be listed on an Exchange.

3. Neither the Trust nor any Index Fund will be advertised or marketed as an open-end fund or a mutual fund. Each Index Fund's Prospectus will prominently disclose that the Shares are not individually redeemable shares and will disclose that the owners of the Shares may acquire those Shares from the Index Fund and tender those Shares for redemption to the Index Fund in Creation Units only. Any advertising material that describes the purchase or sale of Creation Units or refers to redeemability will prominently disclose that the Shares are not individually redeemable, and that owners of Shares

[14] Applicants acknowledge that receipt of compensation by (a) an affiliated person of an Investing Fund, or an affiliated person of such person, for the purchase by the Investing Fund of Shares of an Index Fund or (b) an affiliated person of an Index Fund, or an affiliated person of such person, for the sale by the Index Fund of its Shares to an Investing Fund may be prohibited by section 17(e)(1) of the Act. The Participation Agreement also will include this acknowledgment.

[15] To the extent that purchases and sales of shares of an Index Fund occur in the secondary market and not through principal transactions directly between an Investing Fund and an Index Fund, relief from section 17(a) would not be necessary. However, the requested relief would apply to direct sales of Shares in Creation Units by an Index Fund to an Investing Fund and redemptions of those Shares.

may acquire those Shares from the Index Fund and tender those Shares for redemption to the Index Fund in Creation Units only.

4. The website for the Trust, which will be publicly accessible at no charge, will contain the following information, on a per Share basis, for each Index Fund: (i) The prior Business Day's NAV and the reported closing price, and a calculation of the premium or discount of such price against such NAV; and (ii) data in chart format displaying the frequency distribution of discounts and premiums of the daily closing price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. In addition, the Product Description for each Index Fund will state that the website for the Trust has information about the premiums and discounts at which the Shares have traded.

5. The Prospectus and annual report for each Index Fund also will include: (i) The information listed in condition 4(ii), (a) in the case of the Prospectus, for the most recently completed year (and the most recently completed quarter or quarters, as applicable), and (b) in the case of the annual report, for the immediately preceding five years, as applicable; and (ii) the following data, calculated on a per Share basis for one, five and ten year periods (or the life of the Index Fund): (a) The cumulative total return and the average annual total return based on NAV and closing price, and (b) the cumulative total return of the relevant Underlying Index.

6. Before an Index Fund may rely on this order, the Commission will have approved, pursuant to rule 19b–4 under the Exchange Act, an Exchange rule requiring Exchange members and member organizations effecting transactions in Shares to deliver a Product Description to purchasers of Shares.

The Applicants agree that any order of the Commission granting the requested relief from section 12(d)(1) will be subject to the following conditions:

7. The members of an Investing Fund's Advisory Group will not control (individually or in the aggregate) an Index Fund within the meaning of section 2(a)(9) of the Act. The members of the SubAdviser Group will not control (individually or in the aggregate) an Index Fund within the meaning of section 2(a)(9) of the Act. If, as a result of a decrease in the outstanding voting securities of an Index Fund, an Investing Fund's Advisory Group or the SubAdviser Group, each in the aggregate, becomes a holder of more than 25% of the outstanding voting securities of an Index Fund, it will vote its shares of the Index Fund in the same proportion as the vote of all other holders of the Index Fund's shares. This condition does not apply to the SubAdviser Group with respect to an Index Fund for which the Investing Fund SubAdviser or a person controlling, controlled by, or under common control with the Investing Fund SubAdviser acts as the investment adviser within the meaning of section 2(a)(20)(A) of the Act.

8. No Investing Fund or Investing Fund Affiliate will cause any existing or potential investment by the Investing Fund in an Index Fund to influence the terms of any services or transactions between the Investing Fund or Investing Fund Affiliate and the Index Fund or Index Fund Affiliate.

9. The board of directors or trustees of an Investing Management Company, including a majority of the disinterested directors or trustees, will adopt procedures reasonably designed to assure that the Investing Fund's Adviser and any Investing Fund SubAdviser are conducting the investment program of the Investing Management Company without taking into account any consideration received by the Investing Management Company or an Investing Fund Affiliate from an Index Fund or an Index Fund Affiliate in connection with any services or transactions.

10. Once an investment by an Investing Fund in the securities of an Index Fund exceeds the limit in section 12(d)(1)(A)(i) of the Act, the Trust's Board of Trustees (''Board''), including a majority of the disinterested Board members, will determine that any consideration paid by an Index Fund to the Investing Fund or an Investing Fund Affiliate in connection with any services or transactions: (i) Is fair and reasonable in relation to the nature and quality of the services and benefits received by the Index Fund; (ii) is within the range of consideration that the Index Fund would be required to pay to another unaffiliated entity in connection with the same services or transactions; and (iii) does not involve overreaching on the part of any person concerned. This condition does not apply with respect to any services or transactions between an Index Fund and its investment adviser(s), or any person controlling, controlled by, or under common control with such investment adviser(s).

11. An Investing Fund Adviser, or a trustee or Sponsor of an Investing Trust will waive fees otherwise payable to it by the Investing Management Company or Investing Trust in an amount at least equal to any compensation (including fees received pursuant to any plan adopted by an Index Fund under rule 12b–1 under the Act) received from an Index Fund by the Investing Fund Adviser, trustee, or Sponsor to the Investing Trust or an affiliated person of the Investing Fund Adviser, trustee or Sponsor, other than any advisory fees paid to the Investing Fund Adviser, trustee or Sponsor or an affiliated person of the Investing Fund Adviser, trustee or Sponsor by the Index Fund, in connection with the investment by the Investing Management Company or Investing Trust in the Index Fund. Any Investing Fund SubAdviser will waive fees otherwise payable to the Investing Fund SubAdviser, directly or indirectly, by the Investing Management Company in an amount at least equal to any compensation received from an Index Fund by the Investing Fund SubAdviser, or an affiliated person of the Investing Fund SubAdviser, other than any advisory fees paid to the Investing Fund SubAdviser or its affiliated person by the Index Fund, in connection with the investment by the Investing Management Company in the Index Fund made at the direction of the Investing Fund SubAdviser. In the event that the Investing Fund SubAdviser waives fees, the benefit of the waiver will be passed through to the Investing Management Company.

12. No Investing Fund or Investing Fund Affiliate (except to the extent it is acting in its capacity as an investment adviser to an Index Fund) will cause an Index Fund to purchase a security in any Affiliated Underwriting.

13. The Board, including a majority of the disinterested Board members, will adopt procedures reasonably designed to monitor any purchases of securities by an Index Fund in an Affiliated Underwriting once an investment by an Investing Fund in Shares of the Index Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, including any purchases made directly from an Underwriting Affiliate. The Board will review these purchases periodically, but no less frequently than annually, to determine whether the purchases were influenced by the investment by the Investing Fund in the Index Fund. The Board will consider, among other things: (i) Whether the purchases were consistent with the investment objectives and policies of the Index Fund; (ii) how the performance of securities purchased in an Affiliated Underwriting compares to the performance of comparable securities purchased during a comparable period of time in underwritings other than Affiliated Underwritings or to a benchmark such as a comparable market index; and (iii) whether the amount of securities purchased by the Index Fund

in Affiliated Underwritings and the amount purchased directly from an Underwriting Affiliate have changed significantly from prior years. The Board will take any appropriate actions based on its review, including, if appropriate, the institution of procedures designed to assure that purchases of securities in Affiliated Underwritings are in the best interest of shareholders.

14. Each Index Fund will maintain and preserve permanently in an easily accessible place a written copy of the procedures described in the preceding condition, and any modifications to such procedures, and will maintain and preserve for a period of not less than six years from the end of the fiscal year in which any purchase in an Affiliated Underwriting occurred, the first two years in an easily accessible place, a written record of each purchase of securities in Affiliated Underwritings once an investment by an Investing Fund in the securities of the Index Fund exceeds the limits in section 12(d)(1)(A)(i) of the Act, setting forth from whom the securities were acquired, the identity of the underwriting syndicate's members, the terms of the purchase, and the information or materials upon which the Board's determinations were made.

15. Before investing in an Index Fund in excess of the limits in section 12(d)(1)(A), the Investing Fund and the Index Fund will execute a Participation Agreement stating, without limitation, that their boards of directors or trustees and their investment advisers, and the trustee and Sponsor of an Investing Trust, as applicable, understand the terms and conditions of the order, and agree to fulfill their responsibilities under the order. At the time of its investment in Shares of an Index Fund in excess of the limit in section 12(d)(1)(A)(i), an Investing Fund will notify the Index Fund of the investment. At such time, the Investing Fund will also transmit to the Index Fund a list of names of each Investing Fund Affiliate and Underwriting Affiliate. The Investing Fund will notify the Index Fund of any changes to the list of names as soon as reasonably practicable after a change occurs. The Index Fund and the Investing Fund will maintain and preserve a copy of the order, the Participation Agreement, and the list with any updated information for the duration of the investment and for a period of not less than six years thereafter, the first two years in an easily accessible place.

16. Before approving any advisory contract under section 15 of the Act, the board of directors or trustees of each Investing Management Company, including a majority of the disinterested directors or trustees, will find that the advisory fees charged under such advisory contract are based on services provided that will be in addition to, rather than duplicative of, the services provided under the advisory contract(s) of any Index Fund in which the Investing Management Company may invest. These findings and their basis will be recorded fully in the minute books of the appropriate Investing Management Company.

17. Any sales charges and/or service fees charged with respect to shares of an Investing Fund will not exceed the limits applicable to a fund of funds as set forth in Conduct Rule 2830 of the NASD.

18. No Index Fund will acquire securities of any investment company or company relying on sections 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent permitted by exemptive relief from the Commission that allows the Index Fund to purchase shares of a money market fund for short-term cash management purposes.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Nancy M. Morris,

Secretary.

[FR Doc. E8–1253 Filed 1–24–08; 8:45 am]

BILLING CODE 8011–01–P

TENNESSEE VALLEY AUTHORITY

No FEAR Act

AGENCY: Tennessee Valley Authority (TVA).

ACTION: No FEAR Act Notice.

SUMMARY: 5 CFR part 724.202 requires that each Federal agency provide notice in the **Federal Register** to its employees, former employees, and applicants for employment about the rights and remedies available under the Antidiscrimination Laws and Whistleblower Protection Laws.

No FEAR Act Notice

On May 15, 2002, Congress enacted the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, which is now known as the No FEAR Act. One purpose of the Act is to require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws. Public Law 107–174, Summary. In support of this purpose, Congress found that ''agencies cannot be run effectively if those agencies practice or tolerate discrimination.'' Public Law 107–174, Title I, General Provisions, section 101(1).

The Act also requires this agency to provide this notice to Federal employees, former Federal employees and applicants for Federal employment to inform you of the rights and protections available to you under federal antidiscrimination and whistleblower protection laws.

Antidiscrimination Laws

A Federal agency cannot discriminate against an employee or applicant with respect to the terms, conditions or privileges of employment on the basis of race, color, religion, sex, national origin, age, or disability. Discrimination on these bases is prohibited by one or more of the following statutes: 5 U.S.C. 2302(b)(1), 29 U.S.C. 206(d), 29 U.S.C. 631, 29 U.S.C. 633a, 29 U.S.C. 791 and 42 U.S.C. 2000e–16.

If you believe that you have been the victim of unlawful discrimination on the basis of race, color, religion, sex, national origin or disability, you must contact an Equal Employment Opportunity (EEO) counselor within 45 calendar days of the alleged discriminatory action, or, in the case of a personnel action, within 45 calendar days of the effective date of the action, before you can file a formal complaint of discrimination with your agency. *See, e.g.* 29 CFR 1614. If you believe that you have been the victim of unlawful discrimination on the basis of age, you must either contact an EEO counselor as noted above or give notice of intent to sue to the Equal Employment Opportunity Commission (EEOC) within 180 calendar days of the alleged discriminatory action.

Whistleblower Protection Laws

A Federal employee with authority to take, direct others to take, recommend or approve any personnel action must not use that authority to take or fail to take, or threaten to take or fail to take, a personnel action against an employee or applicant because of a disclosure of information by that individual that is reasonably believed to evidence violations of law, rule or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety, unless disclosure of such information is specifically prohibited by law and such information is specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

Retaliation against an employee or applicant for making a protected

disclosure is prohibited by 5 U.S.C. 2302(b)(8). If you believe that you have been the victim of whistleblower retaliation, you may file a written complaint (Form OSC–11) with the U.S. Office of Special Counsel at 1730 M Street, NW., Suite 218, Washington, DC 20036–4505 or online through the OSC Web site—*http://www.osc.gov.*

Retaliation for Engaging in Protected Activity

A Federal agency cannot retaliate against an employee or applicant because that individual exercises his or her rights under any of the Federal antidiscrimination or whistleblower protection laws listed above. If you believe that you are the victim of retaliation for engaging in protected activity, you must follow, as appropriate, the procedures described in the Antidiscrimination Laws and Whistleblower Protection Laws sections or, if applicable, the administrative or negotiated grievance procedures in order to pursue any legal remedy.

Disciplinary Actions

Under the existing laws, each agency retains the right, where appropriate, to discipline a Federal employee for conduct that is inconsistent with Federal Antidiscrimination and Whistleblower Protection Laws up to and including removal. If OSC has initiated an investigation under 5 U.S.C. 1214, however, according to 5 U.S.C. 1214(f), agencies must seek approval from the Special Counsel to discipline employees for, among other activities, engaging in prohibited retaliation. Nothing in the No FEAR Act alters existing laws or permits an agency to take unfounded disciplinary action against a Federal employee or to violate the procedural rights of a Federal employee who has been accused of discrimination.

Additional Information

For further information regarding the No FEAR Act regulations, refer to 5 CFR part 724, as well as the appropriate offices within the Tennessee Valley Authority (e.g., Equal Opportunity Compliance, Human Resources, the Office of the Inspector General, and TVA's Ombudsman). Additional information regarding Federal antidiscrimination, whistleblower protection and retaliation laws can be found at the EEOC Web site—*http://www.eeoc.gov* and the OSC Web site—*http://www.osc.gov.*

Existing Rights Unchanged

Pursuant to section 205 of the No FEAR Act, neither the Act nor this notice creates, expands or reduces any rights otherwise available to any employee, former employee or applicant under the laws of the United States.

FOR FURTHER INFORMATION CONTACT: Linda J. Sales-Long, 865–632–2515.

Dated: January 17, 2008.

Linda J. Sales-Long,

Director, Equal Opportunity Compliance.

[FR Doc. E8–1242 Filed 1–24–08; 8:45 am]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Availability of Draft Purpose and Need Working Paper for the Proposed Southern Nevada Supplemental Airport, Las Vegas, Clark County, NV

AGENCY: Federal Aviation Administration.

ACTION: Notice of Availability of Draft Purpose and Need Working Paper.

SUMMARY: The Federal Aviation Administration (FAA), in cooperation with the Bureau of Land Management (BLM), is issuing this notice to advise the public that the Draft Purpose and Need Working Paper for the Draft EIS will be made available for public comment pursuant to section 304 of the Vision 100 Century of Aviation Act of 2003 (Pub. L. 108–176) [49 U.S.C. 47171(l)]. The Draft Purpose and Need Working Paper has been prepared for the construction and operation of the proposed Southern Nevada Supplemental Airport, located along Interstate Highway 15 about 30 miles south of Las Vegas, Clark County, Nevada. FAA is seeking comments on the Draft Purpose and Need Working Paper.

FOR FURTHER INFORMATION CONTACT: Andrew Brooks, Environmental Protection Specialist, AWP–610.6, Airports Division, Federal Aviation Administration, Western-Pacific Region, P.O. Box 92007, Los Angeles, California 90009–2007, Telephone: 650/922–1899. Comments on the Draft Purpose and Need Working Paper should be submitted to the address above and must be received no later than 5 p.m. Pacific Standard Time, Friday, February 29, 2008.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA), in cooperation with the Bureau of Land Management (BLM), is preparing a Draft Environmental Impact Statement for the proposed Southern Nevada Supplemental Airport (SNSA). The need to prepare an Environmental Impact Statement (EIS) is based on the procedures described in FAA Order 1050.1E, *Environmental Impacts: Policies and Procedures,* FAA Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions,* and BLM NEPA *Handbook H–1790–1.* Further, the FAA and BLM are preparing this EIS jointly pursuant to the Ivanpah Valley Airport Lands Transfer Act of 2000, (Pub. L. 106–362). Clark County proposes to build the airport along Interstate Highway 15 north of the Nevada/California border about 30 miles south of Las Vegas, between Primm and Jean in Clark County, Nevada. The purpose of the proposed airport is to provide additional capacity to accommodate the forecasted growth in air carrier aircraft operations and aviation passenger demand into the Las Vegas area. This airport would supplement existing air carrier capacity at McCarran International Airport (LAS). The Draft EIS is also being prepared by FAA and BLM pursuant to the National Environmental Policy Act of 1969.

FAA and BLM are making the Draft Purpose and Need Working Paper available to the public and governmental agencies for review and comment. This working paper contains information that the FAA and BLM will include into the Purpose and Need Section of the Draft EIS. FAA and BLM will consider all comments received for the purpose of developing future documents supporting the Draft EIS. FAA and BLM will accept comments on the Draft Purpose and Need Working Paper until 5 p.m. Pacific Standard Time, Friday, February 23, 2008.

Copies of the Draft Purpose and Need Working Paper are available for public review at the following locations during normal business hours:

U.S. Department of Transportation, Federal Aviation Administration, Western-Pacific Region, Office of the Airports Division, 15000 Aviation Boulevard, Hawthorne, California 90261

U.S. Department of Transportation, Federal Aviation Administration, National Headquarters, Office of Airports, Planning and Environmental Needs Division, 800 Independence Avenue, SW., Washington, DC 20591

Bureau of Land Management, Las Vegas Field Office, 4701 North Torrey Pines, Las Vegas, Nevada 89130

The document is also available for public review at the following libraries and other locations and at the following Web site: *http://www.snvairporteis.com:*

Boulder City Public Library, 701 Adams Boulevard, Boulder City, Nevada 89005
Gibson Library, 280 South Water Street, Henderson, Nevada 89015–7288
Pittman Library, 1608 Moser Drive, Henderson, Nevada 89015–4323
Paseo Verde Library, 280 South Green Valley Parkway, Henderson, Nevada 89012–2301
Malcolm Library, 2960 Sunridge Heights Parkway, Henderson, Nevada 89052
Clark County Law Library, 309 South 3rd Street, Suite 400, Las Vegas, Nevada 89155
Lied Library—UNLV, 4505 Maryland Parkway, Las Vegas, Nevada 89104
UNLV Libraries Government Publications, 4505 Maryland Parkway, Las Vegas, Nevada 89101
Nevada State Library and Archives, 716 N. Carson Street, Suite B, Carson City, Nevada 89701
North Las Vegas Library District, 2300 Civic Center Drive, North Las Vegas, Nevada 89030–5839
Aliante Branch Library, 2400 Deer Springs Way, North Las Vegas, Nevada 89084
Pahrump Community Library District, 701 East Street, Pahrump, Nevada 89048–0578
White Pine County Library, 950 Campton Street, Ely, Nevada 89301–1965
Clark County Library, 1401 East Flamingo Road, Las Vegas, Nevada 89119–5256
Goodsprings Library, 365 West San Pedro Avenue, Goodsprings, Nevada 89019–0667
Lincoln County Library, 63 Main Street, P.O. Box 330, Pioche, Nevada 89043–0330
Alamo Branch Library, 100 South First West, P.O. Box 239, Alamo, Nevada 89001–0239
Caliente Branch Library, 100 Depot Avenue, P.O. Box 306, Caliente, Nevada 89008–0306
Searchlight Library, 200 Michael Wendal Way, Searchlight, Nevada 89046
Sandy Valley Library, 650 W. Quartz Avenue, Sandy Valley, Nevada 89019
Mt. Charleston Library, 1252 Aspen Avenue, Las Vegas, Nevada 89124
Moapa Valley Library, 350 N. Moapa Valley Blvd., Overton, Nevada 89040
Laughlin Library, 2840 S. Needles Hwy., Laughlin, Nevada 89020
Blue Diamond Library, 14 Cottonwood Drive, Blue Diamond, Nevada 89004
Moapa Town Library, 1340 E. Highway 168, Moapa, Nevada 89025
Indian Springs Library, 715 Gretta Lane, Indian Springs, Nevada 89018
Bunkerville Library, 150 W. Virgin Street, Bunkerville, Nevada 89007
Mesquite Library, 121 W. First Street, Mesquite, Nevada 89027
Enterprise Library, 25 E. Shelbourne Way, Las Vegas, Nevada 89123
Green Valley Library, 2797 N. Green Valley Parkway, Henderson, Nevada 89014
Las Vegas Library, 833 Las Vegas Blvd. North, Las Vegas, Nevada 89101
Meadows Library, 300 W. Boston Ave. Las Vegas, Nevada 89102
Rainbow Library, 3150 N. Buffalo Drive, Las Vegas, Nevada 89128
Sahara West Library, 9600 W. Sahara Avenue, Las Vegas, Nevada 89177
Spring Valley Library, 4280 S. Jones Blvd, Las Vegas, Nevada 89103
Sunrise Library, 5400 Harris Avenue, Las Vegas, Nevada 89110
Summerlin Library, 1771 Inner Circle Drive, Las Vegas, Nevada 89134
West Charleston Library, 6301 W. Charleston Blvd., Las Vegas, Nevada 89146
West Las Vegas Library, 951 W. Lake Mead Blvd., Las Vegas, Nevada 89106
Whitney Library, 5175 E. Tropicana Avenue, Las Vegas, Nevada 89106
University of Nevada Las Vegas, 4505 Maryland Parkway Box 457001, Building LLB 1173, MS 7033, Las Vegas, Nevada 89154–7001
William S. Boyd School of Law, UNLV, 4505 Maryland Parkway, Box 451003, Las Vegas, Nevada 89154–1003
Nevada State College, 1125 Nevada State Drive, Henderson, Nevada 89015
Cambridge Recreation Center, 3930 Cambridge St., Las Vegas, Nevada 89119
Paradise Recreation Center, 4775 McLeod Dr., Las Vegas, Nevada 89121
Silver Springs Recreation Center, 1951 Silver Springs Pkwy, Henderson, Nevada 89074
Whitney Ranch Recreation Center, 575 Galleria Dr. #C, Henderson, Nevada 89015
Hollywood Recreation Center, 1650 S. Hollywood Blvd., Las Vegas, Nevada 89142
Desert Breeze Community Center, 8275 Spring Mountain Rd., Las Vegas, Nevada 89117
Helen Mayer Community Center, 4525 New Forest Dr., Las Vegas, Nevada 89147
Whitney Community Center, 5712 Missouri Ave., Las Vegas, Nevada 89122
West Flamingo Senior Center, 6255 W. Flamingo Rd., Las Vegas, Nevada 89103
Whitney Senior Center, 5712 Missouri Ave., Las Vegas, Nevada 89122
Sunset Park Administration Building, 2601 E. Sunset Rd., Las Vegas, Nevada 89120
Henderson City Hall, 240 S. Water Street, Henderson, Nevada 89015
Las Vegas City Hall, 400 Stewart Ave., Las Vegas, Nevada 89101
North Las Vegas City Hall, 2200 Civic Center Dr., North Las Vegas, Nevada 89030
Clark County Government Center, 500 S. Grand Central Parkway, Las Vegas, Nevada 89155
Boulder City Hall, 401 California Avenue, Boulder City, Nevada 89005
Sunrise Manor Town Hall, 2240 Linn Lane, Las Vegas, Nevada
McCarran International Airport, Clark County Department of Aviation, Planning Division, 5757 Wayne Newton Blvd., Las Vegas, Nevada 89119
Henderson Executive Airport, 1400 Executive Airport Drive, Suite B, Henderson, Nevada 89052
North Las Vegas Airport, 2730 Airport Dr., #101, North Las Vegas, Nevada 89032
Jean Sport Aviation Center, 23600 Las Vegas Blvd., Jean, Nevada 89019

The Draft Purpose and need Working Paper will be available for public comment for 30 days. Written comments on the Draft Purpose and Need Working Paper should be submitted to the address above under the heading ''For Further Information Contact'' and must be received no later than 5 p.m. Pacific Standard Time, Friday, February 29, 2008.

Issued in Hawthorne, California on January 18, 2008.

George Aiken,

Acting Manager, Airports Division, Western-Pacific Region, AWP–600.

[FR Doc. 08–328 Filed 1–24–08; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting on Rotorcraft Issues

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a public meeting of the FAA's Aviation Rulemaking Advisory Committee (ARAC) to discuss rotorcraft issues.

DATES: The meeting is scheduled for Sunday, February 24, 2008, starting at 5 pm, Central Standard Time. Arrange for oral presentations by February 15, 2008.

ADDRESSES: George R. Brown Convention Center, Room 371 B and C (room subject to change, please check events program on day of meeting), 1001

Avenida de las Americas, Houston, Texas 77010.

FOR FURTHER INFORMATION CONTACT: Nicanor Davidson, Office of Rulemaking, ARM–207, FAA, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267–5174, FAX (202) 267–5075, or e-mail at *nicanor.davidson@faa.gov*.

SUPPLEMENTARY INFORMATION: The referenced meeting is announced pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. app. III).

The agenda for the meeting is as follows:

- Opening Remarks
- Working Group Status Reports—A Discussion and Approval of Damage Tolerance and Fatigue Evaluation of Composite Rotorcraft Structure (proposed advisory circular material package)
- FAA Status Report
  - Performance and Handling Qualities Requirements (Final Rule)
  - Fatigue Tolerance Evaluation of Metallic Structures (Notice of Proposed Rulemaking and guidance material)
- Other Business
- Future Meetings
- Adjourn

Attendance is open to the interested public, but will be limited to the availability of meeting room space. For persons participating by telephone, the call-in number is (202) 366–3920; the Passcode is ''5551''. Anyone participating by telephone will be responsible for paying long-distance charges.

The public must make arrangements by February 15, 2008 to present oral statements at the meeting. Written statements may be presented to the ARAC at any time by providing 25 copies to the person listed in the **FOR FURTHER INFORMATION CONTACT** section or by providing copies at the meeting.

If you need assistance or require a reasonable accommodation for the meeting or meeting documents, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Sign and oral interpretation, as well as a listening device, can be made available if requested 10 calendar days before the meeting.

Issued in Washington, DC on January 18, 2008.

Pamela Hamilton-Powell,

Director, Office of Rulemaking.

[FR Doc. E8–1299 Filed 1–24–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–32 (Sub-No. 102X; STB Docket No. AB–355 (Sub-No. 36X)]

Boston and Maine Corporation—Abandonment Exemption—in Merrimack County, NH; Springfield Terminal Railway Company—Discontinuance of Service Exemption—in Merrimack County, NH

Boston and Maine Corporation (B&M) and Springfield Terminal Railway Company (ST) (collectively, applicants) jointly have filed a notice of exemption under 49 CFR part 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service* for B&M to abandon, and for ST to discontinue service over, approximately 0.96 miles of railroad known as the Concord and Claremont Branch, extending from milepost 0.9 to milepost 1.86 in Concord, Merrimack County, NH. The line traverses United States Postal Service Zip Code 03301.

B&M and ST have certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements of 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to these exemptions, any employee adversely affected by the abandonment or discontinuance shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by February 4, 2008. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by February 14, 2008, with: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001.[3]

A copy of any petition filed with the Board should be sent to applicants' representative: Michael Q. Geary, Esq., Boston & Maine Corporation, Iron Horse Park, North Billerica, MA 01862.

If the verified notice contains false or misleading information, the exemptions are void *ab initio.*

B&M and ST have filed an environmental and historic report which addresses the effects, if any, of the abandonment and discontinuance on the environment and historic resources. SEA will issue an environmental assessment (EA) by February 1, 2008. Interested persons may obtain a copy of the EA by writing to SEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 245–0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), B&M shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by B&M's filing of a notice of consummation by January 25, 2009, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemptions' effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemptions' effective date.

[2] Each OFA must be accompanied by the filing fee, which currently is set at $1,300. *See* 49 CFR 1002.2(f)(25).

[3] Without further explanation, applicants state that, prior to the effective date of these exemptions, title to the line will be acquired by third parties. Applicants are advised that they cannot transfer the title until the exemptions become effective or until they obtain appropriate Board authority.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: January 17, 2008.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Anne K. Quinlan,

Acting Secretary.

[FR Doc. E8–1197 Filed 1–24–08; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–32 (Sub-No. 101X); STB Docket No. AB–355 (Sub-No. 35X)]

Boston and Maine Corporation—Abandonment Exemption—in Hartford County, CT; Springfield Terminal Railway Company—Discontinuance of Service Exemption—in Hartford County, CT

Boston and Maine Corporation (B&M) and Springfield Terminal Railway Company (ST) (collectively, applicants) jointly have filed a notice of exemption under 49 CFR part 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service* for B&M to abandon, and for ST to discontinue service over, approximately .73 miles of railroad known as the Canal Branch, extending from milepost 24.00 to milepost 24.73 in Hartford County, CT.[1] The line traverses United States Postal Service Zip Code 06489.

B&M and ST have certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements of 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to these exemptions, any employee adversely affected by the abandonment or discontinuance shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, these exemptions will be effective on February 26, 2008, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by February 4, 2008. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by February 14, 2008, with: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001.[4]

A copy of any petition filed with the Board should be sent to applicants' representative: Michael Q. Geary, Iron Horse Park, North Billerica, MA 01862.

If the verified notice contains false or misleading information, the exemptions are void *ab initio.*

B&M and ST have filed an environmental and historic report which addresses the effects, if any, of the abandonment and discontinuance on the environment and historic resources. SEA will issue an environmental assessment (EA) by February 1, 2008. Interested persons may obtain a copy of the EA by writing to SEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 245–0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), B&M shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by B&M's filing of a notice of consummation by January 25, 2009, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: January 18, 2008.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Anne K. Quinlan,

Acting Secretary.

[FR Doc. E8–1289 Filed 1–24–08; 8:45 am]

BILLING CODE 4915–01–P

[1] An amendment was submitted on January 18, 2008, showing the correct mileage as .73 miles (mileposts 24.00 to 24.73) in lieu of mileage of 1.51 miles (mileposts 24.00 to 25.51), as originally filed.

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemptions' effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemptions' effective date.

[3] Each OFA must be accompanied by the filing fee, which currently is set at $1,300. *See* 49 CFR 1002.2(f)(25).

[4] Without further explanation, applicants state that, prior to the effective date of these exemptions, title to the line will be acquired by third parties. Applicants are advised that they cannot transfer the title until the exemptions become effective or until they obtain appropriate Board authority.

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Unblocking of Specially Designated Narcotics Traffickers Pursuant to Executive Order 12978

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is publishing the name of six entities whose property and interests in property have been unblocked pursuant to Executive Order 12978 of October 21, 1995, *Blocking Assets and Prohibiting Transactions With Significant Narcotics Traffickers.*

DATES: The unblocking and removal from the list of Specially Designated Narcotics Traffickers of the entities identified in this notice whose property and interests in property were blocked pursuant to Executive Order 12978 of October 21, 1995, is effective on January 17, 2008.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622–2420.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*http://www.treas.gov/ofac*) via

facsimile through a 24-hour fax-on-demand service, tel.: (202) 622–0077.

Background

On October 21, 1995, the President, invoking the authority, *inter alia,* of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) (''IEEPA''), issued Executive Order 12978 (60 FR 54579, October 24, 1995) (the ''Order''). In the Order, the President declared a national emergency to deal with the threat posed by significant foreign narcotics traffickers centered in Colombia and the harm that they cause in the United States and abroad.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The persons listed in an Annex to the Order; (2) any foreign person determined by the Secretary of Treasury, in consultation with the Attorney General and Secretary of State, to play a significant role in international narcotics trafficking centered in Colombia; or (3) to materially assist in, or provide financial or technological support for or goods or services in support of, the narcotics trafficking activities of persons designated in or pursuant to this order; and (4) persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, to be owned or controlled by, or to act for or on behalf of, persons designated pursuant to this Order.

On January 17, 2008, the Director of OFAC removed from the list of Specially Designated Narcotics Traffickers the entities listed below, whose property and interests in property were blocked pursuant to the Order.

The listing of the unblocked entities follows:

1. INVERSIONES MIGUEL RODRIGUEZ E HIJO, Avenida 4N 6N–67 of. 601, Cali, Colombia; Avenida 6N 23DN–16 of. 202, 301, 302, 401, 402, Cali, Colombia [SDNT]

2. INVERSIONES RODRIGUEZ ARBELAEZ Y CIA. S. EN C., Avenida 4N No. 5N–20, Cali, Colombia; Avenida 6N No. 23D–16 of. 402, Cali, Colombia [SDNT]

3. INVERSIONES RODRIGUEZ MORENO Y CIA. S. EN C., Calle 10 No. 4–47, Cali, Colombia [SDNT]

4. INVERSIONES Y CONSTRUCCIONES ATLAS LTDA. (f.k.a. INVERSIONES MOMPAX LTDA.; f.k.a. MOMPAX LTDA.), Calle 10 No. 4–47 piso 19, Cali, Colombia; NIT # 800102408–1 (Colombia) [SDNT]

5. INVERSIONES Y CONSTRUCCIONES COSMOVALLE LTDA. (f.k.a. COMPAX LTDA.; a.k.a. COSMOVALLE; f.k.a. INVERSIONES Y DISTRIBUCIONES COMPAX LTDA.), Calle 10 No. 4–47 piso 19, Cali, Colombia; NIT # 800102403–5 (Colombia) [SDNT]

6. M.O.C. ECHEVERRY HERMANOS LTDA., Calle 23AN No. 5AN–21, Cali, Colombia; NIT # 800038241–5 (Colombia) [SDNT]

Dated: January 17, 2008.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. E8–1261 Filed 1–24–08; 8:45 am]

BILLING CODE 4811–45–P

Federal Register

Friday,
January 25, 2008

Part II

The President

Proclamation 8217—National Sanctity of Human Life Day, 2008

Federal Register
Vol. 73, No. 17
Friday, January 25, 2008

Presidential Documents

Title 3—

The President

Proclamation 8217 of January 18, 2008

National Sanctity of Human Life Day, 2008

By the President of the United States of America

A Proclamation

On National Sanctity of Human Life Day, we recognize that each life has inherent dignity and matchless value, and we reaffirm our steadfast determination to defend the weakest and most vulnerable members of our society.

America was founded on the belief that all men are created equal and have an inalienable right to life, liberty, and the pursuit of happiness, and our country remains committed to upholding that founding principle. Since taking office, I have signed legislation to help protect life at all stages, and my Administration will continue to encourage adoption, fund abstinence education and crisis pregnancy programs, and support faith-based groups. Today, as our society searches for new ways to ease human suffering, we must pursue the possibilities of science in a manner that respects the sacred gift of life and upholds our moral values.

Our Nation has made progress in its efforts to protect human life, and we will strive to change hearts and minds with compassion and decency. On National Sanctity of Human Life Day and throughout the year, we help strengthen the culture of life in America and work for the day when every child is welcomed in life and protected in law.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim Sunday, January 20, 2008, as National Sanctity of Human Life Day. I call upon all Americans to recognize this day with appropriate ceremonies and to underscore our commitment to respecting and protecting the life and dignity of every human being.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of January, in the year of our Lord two thousand eight, and of the Independence of the United States of America the two hundred and thirty-second.

[FR Doc. 08–358
Filed 1–24–08; 8:56 am]
Billing code 3195–01–P

Federal Register

Friday,
January 25, 2008

Part III

The President

Executive Order 13456—Further Amendment of Executive Order 11858 Concerning Foreign Investment in the United States

Federal Register
Vol. 73, No. 17
Friday, January 25, 2008

Presidential Documents

Title 3—

The President

Executive Order 13456 of January 23, 2008

Further Amendment of Executive Order 11858 Concerning Foreign Investment in the United States

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 721 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2170), and section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. *Amendment to Executive Order 11858*. Executive Order 11858 of May 7, 1975, as amended, is further amended to read as follows:

''FOREIGN INVESTMENT IN THE UNITED STATES

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 721 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2170), and section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. *Policy*. International investment in the United States promotes economic growth, productivity, competitiveness, and job creation. It is the policy of the United States to support unequivocally such investment, consistent with the protection of the national security.

Sec. 2. *Definitions*. (a) The ''Act'' as used in this order means section 721 of the Defense Production Act of 1950, as amended.

(b) Terms used in this order that are defined in subsection 721(a) of the Act shall have the same meaning in this order as they have in such subsection.

(c) ''Risk mitigation measure'' as used in this order means any provision of a risk mitigation agreement or a condition to which section 7 of this order refers.

Sec. 3. *Establishment*. (a) There is hereby established the Committee on Foreign Investment in the United States (the ''Committee'') as provided in the Act.

(b) In addition to the members specified in the Act, the following heads of departments, agencies, or offices shall be members of the Committee:

(i) The United States Trade Representative;

(ii) The Director of the Office of Science and Technology Policy; and

(iii) The heads of any other executive department, agency, or office, as the President or the Secretary of the Treasury determines appropriate, on a case-by-case basis.

(c) The following officials (or their designees) shall observe and, as appropriate, participate in and report to the President on the Committee's activities:

(i) The Director of the Office of Management and Budget;

(ii) The Chairman of the Council of Economic Advisers;

(iii) The Assistant to the President for National Security Affairs;

(iv) The Assistant to the President for Economic Policy; and

(v) The Assistant to the President for Homeland Security and Counterterrorism.

Sec. 4. *Duties of the Secretary of the Treasury*.

(a) The functions of the President under subsections (b)(1)(A) (relating to review and consideration after notification), (b)(1)(D) (relating to unilateral initiation of review and consideration), and (m)(3)(A) (relating to inclusion in annual report and designation) of the Act are assigned to the Secretary of the Treasury.

(b) The Secretary of the Treasury shall perform the function of issuance of regulations under section 721(h) of the Act. The Secretary shall consult the Committee with respect to such regulations prior to any notice and comment and prior to their issuance.

(c) Except as otherwise provided in the Act or this order, the chairperson shall have the authority, exclusive of the heads of departments or agencies, after consultation with the Committee:

(i) to act, or authorize others to act, on behalf of the Committee; and

(ii) to communicate on behalf of the Committee with the Congress and the public.

(d) The chairperson shall coordinate the preparation of and transmit the annual report to the Congress provided for in the Act and may assign to any member of the Committee, as the chairperson determines appropriate and consistent with the Act, responsibility for conducting studies and providing analyses necessary for the preparation of the report.

(e) After consultation with the Committee, the chairperson may request that the Director of National Intelligence begin preparing the analysis required by the Act at any time, including prior to acceptance of the notice of a transaction, in accordance with otherwise applicable law. The Director of National Intelligence shall provide the Director's analysis as soon as possible and consistent with section 721(b)(4) of the Act.

Sec. 5. *Lead Agency*. (a) The lead agency or agencies (''lead agency'') shall have primary responsibility, on behalf of the Committee, for the specific activity for which the Secretary of the Treasury designates it a lead agency.

(b) In acting on behalf of the Committee, the lead agency shall keep the Committee fully informed of its activities. In addition, the lead agency shall notify the chairperson of any material action that the lead agency proposes to take on behalf of the Committee, sufficiently in advance to allow adequate time for the chairperson to consult the Committee and provide the Committee's direction to the lead agency not to take, or to amend, such action.

Sec. 6. *Reviews and Investigations*.

(a) Any member of the Committee may conduct its own inquiry with respect to the potential national security risk posed by a transaction, but communication with the parties to a transaction shall occur through or in the presence of the lead agency, or the chairperson if no lead agency has been designated.

(b) The Committee shall undertake an investigation of a transaction in any case, in addition to the circumstances described in the Act, in which following a review a member of the Committee advises the chairperson that the member believes that the transaction threatens to impair the national security of the United States and that the threat has not been mitigated.

(c) The Committee shall send a report to the President requesting the President's decision with respect to a review or investigation of a transaction in the following circumstances:

(i) the Committee recommends that the President suspend or prohibit the transaction;

(ii) the Committee is unable to reach a decision on whether to recommend that the President suspend or prohibit the transaction; or

(iii) the Committee requests that the President make a determination with regard to the transaction.

(d) Upon completion of a review or investigation of a transaction, the lead agency shall prepare for the approval of the chairperson the appropriate certified notice or report to the Congress called for under the Act. The chairperson shall transmit such notice or report to the Congress, as appropriate.

Sec. 7. *Risk Mitigation*. (a) The Committee, or any lead agency acting on behalf of the Committee, may seek to mitigate any national security risk posed by a transaction that is not adequately addressed by other provisions of law by entering into a mitigation agreement with the parties to a transaction or by imposing conditions on such parties.

(b) Prior to the Committee or a department or agency proposing risk mitigation measures to the parties to a transaction, the department or agency seeking to propose any such measure shall prepare and provide to the Committee a written statement that: (1) identifies the national security risk posed by the transaction based on factors including the threat (taking into account the Director of National Intelligence's threat analysis), vulnerabilities, and potential consequences; and (2) sets forth the risk mitigation measures the department or agency believes are reasonably necessary to address the risk. If the Committee agrees that mitigation is appropriate and approves the risk mitigation measures, the lead agency shall seek to negotiate such measures with the parties to the transaction.

(c) A risk mitigation measure shall not, except in extraordinary circumstances, require that a party to a transaction recognize, state its intent to comply with, or consent to the exercise of any authorities under existing provisions of law.

(d) The lead agency designated for the purpose of monitoring a risk mitigation measure shall seek to ensure that adequate resources are available for such monitoring. When designating a lead agency for those purposes, the Secretary of the Treasury shall consider the agency's views on the adequacy of its resources for such purposes.

(e)(i) Nothing in this order shall be construed to limit the ability of a department or agency, in the exercise of authorities other than those provided under the Act, to:

(A) conduct inquiries with respect to a transaction;

(B) communicate with the parties to a transaction; or

(C) negotiate, enter into, impose, or enforce contractual provisions with the parties to a transaction.

(ii) A department or agency shall not condition actions or the exercise of authorities to which paragraph (i) of this subsection refers upon the exercise, or forbearance in the exercise, of its authority under the Act or this order, and no authority under the Act shall be available for the enforcement of such actions or authorities.

(f) The Committee may initiate a review of a transaction that has previously been reviewed by the Committee only in the extraordinary circumstances provided in the Act.

Sec. 8. *Additional Assignments to the Committee*. In addition to the functions assigned to the Committee by the Act, the Committee shall review the implementation of the Act and this order and report thereon from time to time to the President, together with such recommendations for policy, administrative, or legislative proposals as the Committee determines appropriate.

Sec. 9. *Duties of the Secretary of Commerce*. The Secretary of Commerce shall:

(a) obtain, consolidate, and analyze information on foreign investment in the United States;

(b) monitor and, where necessary, improve procedures for the collection and dissemination of information on foreign investment in the United States;

(c) prepare for the public, the President or heads of departments or agencies, as appropriate, reports, analyses of trends, and analyses of significant developments in appropriate categories of foreign investment in the United States; and

(d) compile and evaluate data on significant transactions involving foreign investment in the United States.

Sec. 10. *General Provisions*. (a) The heads of departments and agencies shall provide, as appropriate and to the extent permitted by law, such information and assistance as the Committee may request to implement the Act and this order.

(b) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to a department or agency or the head thereof;

(ii) functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals; or

(iii) existing mitigation agreements.

(c) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) Officers of the United States with authority or duties under the Act or this order shall ensure that, in carrying out the Act and this order, the actions of departments, agencies, and the Committee are consistent with the President's constitutional authority to: (i) conduct the foreign affairs of the United States; (ii) withhold information the disclosure of which could impair the foreign relations, the national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties; (iii) recommend for congressional consideration such measures as the President may judge necessary and expedient; and (iv) supervise the unitary executive branch.

Sec. 11. *Revocation*. Section 801 of Executive Order 12919 of June 3, 1994, is revoked.''

Sec. 2. *General Provision.* This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies or entities, its officers, employees, or agents, or any other person.

THE WHITE HOUSE,
January 23, 2008.

[FR Doc. 08–360
Filed 1–24–08; 10:38 am]
Billing code 3195–01–P

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REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT JANUARY 25, 2008

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

Northeastern United States fisheries—

Northeast multispecies; published 12-26-07

DEFENSE DEPARTMENT

Federal Acquisition Regulation (FAR):

Performance-based payments; published 12-26-07

ENVIRONMENTAL PROTECTION AGENCY

Air programs; approval and promulgation; State plans for designated facilities and pollutants:

Iowa; published 12-26-07

GENERAL SERVICES ADMINISTRATION

Federal Acquisition Regulation (FAR):

Performance-based payments; published 12-26-07

INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species:

Critical habitat designations—

Bear Valley sandwort, etc.; published 12-26-07

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation (FAR):

Performance-based payments; published 12-26-07

RULES GOING INTO EFFECT JANUARY 26, 2008

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan; published 1-24-08

HOMELAND SECURITY DEPARTMENT

Coast Guard

Drawbridge Operation Regulations:

Potomac River, between Maryland and Virginia; published 1-25-08

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

National Organic Program:

Allowed and prohibited substances; national list; Sunset Review; comments due by 1-28-08; published 12-28-07 [FR E7-25270]

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

Northeastern United States fisheries—

Atlantic bluefish; comments due by 1-28-08; published 12-27-07 [FR E7-25080]

Atlantic mackerel, squid, and butterfish; comments due by 1-28-08; published 12-28-07 [FR E7-25251]

Atlantic sea scallop; comments due by 1-29-08; published 11-30-07 [FR E7-23266]

Atlantic sea scallop; comments due by 1-31-08; published 12-17-07 [FR E7-24254]

Bivalve molluscan shellfish and whole or roe-on scallops; comments due by 1-30-08; published 12-31-07 [FR E7-25255]

International fisheries regulations:

Pacific halibut—

Guided sport charter vessel fishery; comments due by 1-30-08; published 12-31-07 [FR E7-25407]

Pacific Halibut Fisheries; Catch Sharing Plan; comments due by 2-1-08; published 1-2-08 [FR E7-25535]

COMMODITY FUTURES TRADING COMMISSION

Commodity Exchange Act:

Federal speculative position limits; risk management exemption; comments due by 1-28-08; published 11-27-07 [FR E7-22992]

ENERGY DEPARTMENT

Energy Efficiency and Renewable Energy Office

Consumer products; energy conservation program:

Energy conservation standards—

Dishwashers, dehumidifiers, electric and gas kitchen ranges and ovens and commercial clothes washers; comments due by 1-29-08; published 11-15-07 [FR E7-22040]

ENVIRONMENTAL PROTECTION AGENCY

Air programs; approval and promulgation; State plans for designated facilities and pollutants:

Nevada; comments due by 1-28-08; published 12-13-07 [FR E7-24167]

Air Quality Implementation Plans; Approval and Promulgation; Various States:

California; comments due by 2-1-08; published 1-2-08 [FR E7-25100]

Air quality implementation plans; approval and promulgation; various States:

Illinois; comments due by 1-30-08; published 12-31-07 [FR E7-25405]

Air quality planning purposes; designation of areas:

Texas; comments due by 1-30-08; published 12-31-07 [FR E7-25402]

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Acetamiprid; comments due by 1-28-08; published 11-28-07 [FR E7-23055]

FEDERAL DEPOSIT INSURANCE CORPORATION

Practice and procedure:

Annual independent audits and reporting requirements; comments due by 1-31-08; published 11-2-07 [FR E7-21168]

HEALTH AND HUMAN SERVICES DEPARTMENT

Centers for Medicare & Medicaid Services

Administrative regulations:

Appeals board; revisions to procedures and hearings; comments due by 1-28-08; published 12-28-07 [FR 07-06221]

Medicare:

Hospital Outpatient Prospective Payment System and CY 2008 payment rates, etc.; comments due by 1-28-08; published 11-27-07 [FR 07-05507]

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Food for human consumption:

Food labeling—

Reference values and mandatory nutrients; revision; comments due by 1-31-08; published 11-2-07 [FR 07-05440]

HEALTH AND HUMAN SERVICES DEPARTMENT

Administrative regulations:

Appeals board; revisions to procedures and hearings; comments due by 1-28-08; published 12-28-07 [FR 07-06221]

HEALTH AND HUMAN SERVICES DEPARTMENT

Inspector General Office, Health and Human Services Department

Administrative regulations:

Appeals board; revisions to procedures and hearings; comments due by 1-28-08; published 12-28-07 [FR 07-06221]

HOMELAND SECURITY DEPARTMENT

Federal Emergency Management Agency

Flood elevation determinations:

Alabama and Oklahoma; comments due by 1-31-08; published 11-2-07 [FR E7-21595]

Connecticut; comments due by 1-31-08; published 11-2-07 [FR E7-21607]

Oklahoma; correction; comments due by 1-31-08; published 11-30-07 [FR E7-23215]

Various States; comments due by 1-30-08; published 11-1-07 [FR E7-21540]

INTERIOR DEPARTMENT

Minerals Management Service

Outer Continental Shelf; oil, gas, and sulphur operations:

Pipelines and pipeline rights-of-way; comments due by 1-31-08; published 10-3-07 [FR 07-04831]

JUSTICE DEPARTMENT

Drug Enforcement Administration

Schedules of controlled substances:

U.S. Official Order Form (DEA Form-222); new single-sheet format; comments due by 1-28-08; published 11-27-07 [FR E7-22984]

JUSTICE DEPARTMENT

Executive Office for Immigration Review

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Aliens; voluntary departure review; comments due by 1-29-08; published 11-30-07 [FR E7-23289]

LABOR DEPARTMENT

Occupational Safety and Health Administration

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Confined spaces; exposure hazards; comments due by 1-28-08; published 11-28-07 [FR E7-21893]

NUCLEAR REGULATORY COMMISSION

Spent nuclear fuel and high-level radioactive waste; independent storage; licensing requirements:

Approved spent fuel storage casks; list; comments due by 1-30-08; published 12-31-07 [FR E7-25414]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

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Boeing Model 737-600, -700, -700C, -800 and -900 Series Airplanes; comments due by 1-28-08; published 1-2-08 [FR E7-25477]

Airworthiness directives:

Air Tractor, Inc.; comments due by 1-29-08; published 11-30-07 [FR E7-23229]

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Construcciones Aeronauticas, S.A., (CASA) Model C-212 Airplanes; comments due by 2-1-08; published 1-2-08 [FR E7-25481]

Airworthiness directives:

Eclipse Aviation Corp.; comments due by 1-28-08; published 11-27-07 [FR E7-23024]

Class D airspace; comments due by 2-1-08; published 12-18-07 [FR 07-06065]

Class E airspace; comments due by 1-28-08; published 12-13-07 [FR 07-06018]

TRANSPORTATION DEPARTMENT

Saint Lawrence Seaway Development Corporation

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Miscellaneous amendments; comments due by 1-30-08; published 12-31-07 [FR E7-25340]

TREASURY DEPARTMENT

Alcohol and Tobacco Tax and Trade Bureau

Alcoholic beverages:

Wines, distilled spirits, and malt beverages; labeling and advertising—

Alcohol content statement; comments due by 1-27-08; published 9-20-07 [FR E7-18510]

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws.html*.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.gpoaccess.gov/plaws/index.html*. Some laws may not yet be available.

H.R. 660/P.L. 110–177

Court Security Improvement Act of 2007 (Jan. 7, 2008; 121 Stat. 2534)

H.R. 3690/P.L. 110–178

U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007 (Jan. 7, 2008; 121 Stat. 2546)

S. 863/P.L. 110–179

Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007 (Jan. 7, 2008; 121 Stat. 2556)

H.R. 2640/P.L. 110–180

NICS Improvement Amendments Act of 2007 (Jan. 8, 2008; 121 Stat. 2559)

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